JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23679

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

29-45-53.1 / 94-2-40.8

Approximate size of area (parcel) reviewed, including uplands: 0.3 acres.

Name of nearest waterway: GIWW-Wild Cow Bayou Marsh -Barnett & Willow Lakes

Name of watershed: Salt Bayou Watershed

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23679

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	 □ other: Mean High Water Mark indicated by: □ survey to available datum; ☑ physical markings; ☑ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Big Hill Bayou, TX / Clam Lake, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23678

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

29-43-58.2 / 94-5-8.5

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: GIWW / LeBlanc Reservoir Name of watershed:

Salt Bayou Watershed

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limits to be the limits and the limits are the limits and the limits are the limi United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23678

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil D destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ø	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Clam Lake, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minu

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16278

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

29.7720°N, 93.9493°W

Approximate size of area (parcel) reviewed, including uplands: 123 acres.

Name of nearest waterway: Keith Lake Sabine

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 February 2005 Date(s): 30 September 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 63 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contiguous and/or in close proximity to Keith Lake, a tidally influenced water.

FILE NUMBER: 0.16238

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
25 20	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Parks and Wildlife
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created
	 by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
٠	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
逐	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 10 December 2004, prepared by (company): Texas Parks and
	This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: South Port Arthur U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 South Port Arthur DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 30 September 2004 Applicable/supporting case law: Other information (Alease specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16331

PROJECT LOCATION INFORMATION:

State:

Texas

County: Jasper Center coordinates of site (latitude/longitude):

30.7713N 94.0472W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Big Creek Name of watershed: Big Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 march 2005

Date(s): 26 January 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mac There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Big CReek flows into the Neches River, a navbigable water of the United States,

ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
s For Not Asserting Jurisdiction: Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated July 2004, prepared by (company): IES This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1984 Beech Grove U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Abatural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 26 January2005 Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16326

PROJECT LOCATION INFORMATION:

State:

Texas Jasper

County:

Center coordinates of site (latitude/longitude):

31.0925N 93.9554W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Mill Creek

Name of watershed: Mill Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 March 2005

Date(s): 26 January 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Mill Creek flows into the Sam Rayburn Reservoir, an impoundment of the AngelinaRiver, navigable water of the United States

	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil physical markings/characteristics tidal gages other:
	Itean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
M D D C U U U U U N S F F A O A S A	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): faps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated July 2004, prepared by (company): IES This office does not concur with the delineation report, dated prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): ata sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): ata sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): ata sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): IES This office does not concur with the delineation report, dated prepared by (company): IES prepared by (company): pr

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16916

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

30.0103 95.8143

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Cypress Creek Name of watershed:

Cypress Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 22 February 2005

acres.

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or (6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
<u> </u>	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1980 Hockley U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Hockley State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 6 Nov 1996 Harris County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16992

PROJECT LOCATION INFORMATION:

State:

Louisiana

County:

Vernon

Center coordinates of site (latitude/longitude):

31.3298 95.3872

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Unnamed Creek

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 24 February 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\sqrt{\sqrt{\text{there appear to be no "waters of the property of the content of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lat	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
#	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Hornbeck U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Hornbeck DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-15365

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30.1872°N, 95.3442°W

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: West Fork San Jacinto River

Name of watershed: San Jacinto River

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 8 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) \(\subseteq \text{there appear to be no "waters of the or the content of t United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or 6 is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ð	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas 图 图	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
×	Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Outlaw Pond U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): December 1996 Montgomery County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Outlaw Pond DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17014

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.9688°N, 95.5658°W

Approximate size of area (parcel) reviewed, including uplands: 37 acres.

Name of nearest waterway: Greens Bayou Name of watershed: Greens Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 7 March 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
鳘	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 18 Feb 2005, prepared by (company): SWCA This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Satsuma U.S. Geological Survey 7.5 Minute Historic quadrangles: 1937, 1955, 1970 & 1982 Satsuma U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: 1999 Satsuma State/Local wetland inventory maps: April 2000 Harris County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): • 1944, 1958, 1969, 1978, 1986, 2002 Other photographs (Date): 1995 DOOQQ Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17073

PRO	JEC	T L	CA	TION	INFO	DM/	TION.

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29.47.2 Long: 95.00.8

Approximate size of area (parcel) reviewed, including uplands: 0.007 acres.

Name of nearest waterway: Goose Creek Name of watershed: San Jacinto

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 14 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, ___ there appear to be (or) ___ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG
FILE NUMBER: SWG-05-12-005

Sta Cor Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Orange and Jefferson ter coordinates of site (latitude/longitude): 29° 59′ 03"N, 93° 53′ 45"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	risdictional Determination (JD):
2.3 2.3	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
2	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:1.8
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
<u>A.</u>	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed pipeline will be directionally drilled beneath the Neches River. The Neches River is part of the federally maintained Sabine-Neches Waterway and is part of the ship channel to the Port of Beaumont.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indi oil or scum lin fine shell or de	SWG-05-12-005 cated by: le along shore objects lebris deposits (foreshore) lings/characteristics
3	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; Wetland boundaries, as shown on the attached wetland		
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR p Headquarters declined to approve jurisdiction on the b The Corps has made a case-specific determination tha United States: Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain the purpose of obtaining fill, sand, or gravel under the purpose of obtaining fill, sand, or gravel un	passis of 33 CFR part 328.3(a)(3 to the following waters present of ponds or lagoons, pursuant to 3 to upland if the irrigation ceasing and/or diking dry land to color such purposes as stock wateries small ornamental bodies of water for primarily aesthetic recidental to construction activity aless and until the construction ets the definition of waters of the terstate commerce. Natural Resources Conservation	on the site are not Waters of the 33 CFR part 328.3. ded. lect and ing, irrigation, settling basins, or vater created asons. and pits excavated in dry land for or excavation operation is the United States found at 33 CFR on Service. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINAMAPS, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the all This office concurs with the delineation report, dated This office does not concur with the delineation report as sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle U.S. Autural Resources Conservation Service Soil Structional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	the applicant. applicant. ded, prepared by (of port, dated, prepared by (of port, dated	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: CESWG JMBER: 23711
State Cou Cent App Nam	CT LOCATION INFORMATION: e: Texas nty: Harris ter coordinates of site (latitude/longitude): 29° 33' 08"N, 95° 01' 45"W (NAD27) roximate size of area (parcel) reviewed, including uplands: 1.2 acres. ne of nearest waterway: Clear Creek Channel ne of watershed: North Galveston Bay
	ICTIONAL DETERMINATION appleted: Desktop determination
Juri	sdictional Determination (JD):
23	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
The state of the s	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in the Clear Creek Channel, a tidally influenced channel in Clear Lake. Clear Lake is a navigable water of the United States and is adjacent to Galveston Bay.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

La	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages Applicant supplied information.
<u>s</u>	Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; [Wetland boundaries, as shown on the attached wetland	vegetation lines/changes in vegetation types. delineation map and/or in a delineation report prepared by:
Ba	Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain was water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a). Isolated, intrastate wetland with no nexus to interest.	usis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the conds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. g and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created rater for primarily aesthetic reasons. idental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is so the definition of waters of the United States found at 33 CFR extrate commerce. Natural Resources Conservation Service, Explain rationales
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16	ne applicant. oplicant. d, prepared by (company): ort, dated, prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23227(01)

e: Texas inty: Harris ter coordinates of site (latitude/longitude): 29° 43′ 36″N, 95° 13′ 34″W (NAD27) proximate size of area (parcel) reviewed, including uplands: acres. the of nearest waterway: Houston Ship Channel											
ne of watershed: Buffalo-San Jacinto											
ICTIONAL DETERMINATION npleted: Desktop determination											
isdictional Determination (JD):											
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).											
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:											
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:3.5 acre											
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:											
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.											
Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.											
Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.											

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located in the Houston Ship Channel. The Houston Ship Channel is a navigable water of the United States.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 32	8 and 329)	23227(01)
	, , , , , , , , , , , , , , , , , ,	High	Tide Line indicated by:
	clear, natural line impressed on the bank		oil or scum line along shore objects
	the presence of litter and debris		fine shell or debris deposits (foreshore)
	changes in the character of soil		physical markings/characteristics
	destruction of terrestrial vegetation		tidal gages
	shelving		
	other:	U 4	Applicant supplied information.
	ouler.		
*	Mean High Water Mark indicated by: ☑ survey to available datum; ☐ physical markings; ☐	vacatation 1	imaa/ahamaaa in aasaa ahaa
	Survey to available datum, physical markings,	vegetation i	ines/changes in vegetation types.
Ž.	Wetland boundaries, as shown on the attached wetland do	elineation ma	ap and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.	228/->/1 2	4.7
	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, c	or 4-7).
**********	Headquarters declined to approve jurisdiction on the basis	OI 33 CFR	part 328.3(a)(3).
	The Corps has made a case-specific determination that the United States:	e following v	waters present on the site are not Waters of the
	Waste treatment systems, including treatment pon-	de or lagoon	a numurant to 22 CED mart 220 2
	Artificially irrigated areas, which would revert to	us of lagoons	irrigation cased
	Artificial lakes and ponds created by excavating at	nd/or diking	dry land to collect and
	retain water and which are used exclusively for su	ch purposes	as stock watering imigation settling basing an
	rice growing.	en purposes	as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other sn	nall ornamer	ital hodies of water created
	by excavating and/or diking dry land to retain water	er for primar	ilv aesthetic reasons
	Water-filled depressions created in dry land incide	ental to const	ruction activity and nits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless	and until th	e construction or exceptation operation is
	abandoned and the resulting body of water meets t	he definition	of waters of the United States found at 22 CED
	328.3(a).	ne definition	of waters of the Officer States found at 33 CFR
	Isolated, intrastate wetland with no nexus to inters	tate commer	na.
	Prior converted cropland, as determined by the Na	tural Decour	ces Conservation Service Fundain meticular
	Non-tidal drainage or irrigation ditches excavated	on der land	Evelois estimates
	Other (explain):	on dry land.	Explain fationale.
	Carol (Oxplain).		
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATI	ON (mark :	all that apply):
<u> </u>	Maps, plans, plots or plat submitted by or on behalf of the	applicant.	
	Data sheets prepared/submitted by or on behalf of the appl	icant.	
	This office concurs with the delineation report, dated		prepared by (company):
	This office does not concur with the delineation report	dated	, prepared by (company):
	Data sheets prepared by the Corps.	,	
9	Corps' navigable waters' studies:		
775	U.S. Geological Survey Hydrologic Atlas:		
7.2	U.S. Geological Survey 7.5 Minute Topographic maps:		
77.77	U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	U.S. Geological Survey 15 Minute Historic quadrangles:		
3.00	USDA Natural Resources Conservation Service Soil Surve	v.	
*****	National wetlands inventory maps:	· y ·	
*****	State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date):		
	100-year Floodplain Elevation is: (NGVD)		
	Aerial Photographs (Name & Date):		
700000	Other photographs (Date):		
<u> </u>	Advanced Identification Wetter 1		
edinea.	Advanced Identification Wetland maps:		
	Site visit/determination conducted on:		
	Applicable/supporting case law:		
	Other information (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

D	IST	RICT	OFFI	CE:	CESWG
F	ILE	NUM	BER:	2364	19

Sta Co Ce Ap Na	cct Location Information: te: Texas unty: San Jacinto nter coordinates of site (latitude/longitude): 30° 39' 30"N, 95° 09' 03"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed dredging is located within Lake Livingston.

L	ateral I	Extent of Ju	risdiction: (Re	ference: 33 CFR	parts 328 and 3	329)	23649
×	Ordi	inary High V	Vater Mark indi	cated by:		High	h Tide Line indicated by:
	Ц	clear, natur	al line impresse	d on the bank			oil or scum line along shore objects
	Ц	the presence	e of litter and d	ebris			fine shell or debris deposits (foreshore)
	Ц	changes in	the character of	î soil			physical markings/characteristics
	Щ		of terrestrial ve	getation			tidal gages
		shelving					other:
	\boxtimes	other: Appl	icant supplied p	olans, 131 elevati	on.		
\$2	Mear ☐ s	n High Wate survey to ava	r Mark indicate ilable datum; [ed by: physical mark	ings; ☐ vegeta	tion	lines/changes in vegetation types.
	Wetl	land boundar	ies, as shown o	n the attached we	etland delineati	on m	nap and/or in a delineation report prepared by:
Ba	The r Unab Head The (reviewed are ble to confirm lquarters dec Corps has meed States: Waste treat Artificial retain wat rice growing Artificial by excava Water-fille the purposabandoned 328.3(a). Isolated, in Prior converse of the confirmation of the purposabandoned and the purposabandoned	lined to approve ade a case-spec atment systems, y irrigated areas lakes and ponds er and which ar ng. reflecting or sw ting and/or diki ed depressions the of obtaining if and the resulti ntrastate wetlan erted cropland, drainage or irrig	ely of uplands. of waters in 33 Cle jurisdiction on ific determination , including treatments, which would re se created by excare used exclusive rimming pools or ing dry land to re created in dry land fill, sand, or grave ing body of water d with no nexus as determined by	the basis of 33 in that the follow that the follow ment ponds or latevert to upland vating and/or day for such purpother small or tain water for pad incidental to the lunless and up meets the defit to interstate cory the Natural R.	CFR ving agoor if the iking ooses name consult the ition mition mere esour	a part 328.3(a)(3). I waters present on the site are not Waters of the ms, pursuant to 33 CFR part 328.3. It is irrigation ceased. If dry land to collect and seas stock watering, irrigation, settling basins, or ental bodies of water created arily aesthetic reasons. I struction activity and pits excavated in dry land for the construction or excavation operation is son of waters of the United States found at 33 CFR
D. 1			·				
DATA F	REVIE	WED FOR	JURSIDICTIO	ONAL DETERN	MINATION (n	ıark	all that apply):
	Data o	, piaiis, piois sheets prepar	or plat submitted by	ed by or on behal	If of the applica	ınt.	
		his office co	cu/sublilitieu by	y or on behalf of delineation report			
	꿈ㅠ	his office do	icuis willi lile (ith the delineation	, dated		, prepared by (company):
			ed by the Corps		on report, dated		, prepared by (company):
35			vaters' studies:).			
1447 2727			vaters studies: irvey Hydrolog				
300 300	11.0.0	Seological Si	irvey Hydrolog	ic Atlas:			
22 200	U.S. G	seological Si	rvey 7.5 Minut	te Topographic m	naps:		
- 1.32 - 1.22	U.S. G	beological St	rvey 7.5 Minut	te Historic quadra	angles:		
2.0	U.S. G	jeological Si	rvey 15 Minute	e Historic quadra	ngles:		
38.33 20.33	USDA	Natural Res	ources Conserv	vation Service So	oil Survey:		
3.3			inventory maps				
			d inventory maj				
			s (Map Name &	,			
			n Elevation is:	(NGVD)			
0.00 (Market	Aerial	rnotographs	(Name & Date	;):			
	Other 1	photographs	(Date):				
			ation Wetland				
			tion conducted	on:			
			ing case law:				
	Other i	information (please specify)	:			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23650

Date: 08 March 2005 Site visit(s) Date: 08 March 2005 Date(s): Jurisdictional Determination (JD): Preliminary ID - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	State Cou Cen App Nan	ECT LOCATION INFORMATION: tate: Texas county: San Jacinto enter coordinates of site (latitude/longitude): 30° 38' 49"N, 95 pproximate size of area (parcel) reviewed, including uplands: ame of nearest waterway: Lake Livingston ame of watershed: Lower Trinity										
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:		ompleted: Desktop determination Date: 08	March 2005									
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD — An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.	Juri	urisdictional Determination (JD):										
Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:		United States" and/or "navigable waters of the United Stat	appear to be (or) there appear to be no "waters of the es" on the project site. A preliminary JD is not appealable									
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destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.		 The presence of waters, which are currently used, or we interstate or foreign commerce, including all waters which The presence of interstate waters including interstate waters as intrastate lakes, riving the presence of other waters such as intrastate lakes, riving the presence of other waters such as intrastate lakes. 	re used in the past, or may be susceptible to use in are subject to the ebb and flow of the tide. etlands ¹ . vers, streams (including intermittent streams), mudflats,									
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		 (4) Impoundments of waters otherwise defined as waters of (5) The presence of a tributary to a water identified in (1) – (6) The presence of territorial seas. 	the US. (4) above.									

located within Lake Livingston, below the 131' elevation.

L.		inary High V clear, naturathe presence changes in destruction shelving	Water Mark ral line improse of litter are the character of terrestrians	indicated by essed on the and debris or of soil al vegetation	e bank			23650 h Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mear □ st	n High Wate survey to ava	er Mark indi iilable datun	cated by: n;	ical markings;			lines/changes in vegetation types. nap and/or in a delineation report prepared by:
Ba	The r Unab Head The (reviewed are ple to confirm duarters decorps has med States: Waste tree Artificial retain warrice grow Artificial by excava Water-fill the purpo abandone 328.3(a). Isolated, in Prior confirm decorps and the purpo abandone solutions.	elined to applade a case-statement system of the case and peter and which ing. reflecting on the depression of the case of obtaining and the result of the case o	ntirely of up ace of water- prove jurisdi- pecific dete- ems, includi- areas, which onds created h are used of r swimming diking dry lons created ing fill, sand sulting body ttland with r and, as deter	s in 33 CFR p iction on the b crmination that ing treatment in would revert d by excavatir exclusively for gools or othe land to retain in dry land in d, or gravel un y of water mee no nexus to in rmined by the	possis of 33 at the follow ponds or lat to upland ag and/or der such purper small orrewater for periodental to aless and unterstate core. Natural Research	CFR ving agoon if the iking ooses named constituted the inition meresour constituted and inition meresour constituted and inition constituted and init	R part 328.3(a)(3). Waters present on the site are not Waters of the uns, pursuant to 33 CFR part 328.3. The irrigation ceased. The dry land to collect and as as stock watering, irrigation, settling basins, or cental bodies of water created arily aesthetic reasons. The struction activity and pits excavated in dry land for the construction or excavation operation is an of waters of the United States found at 33 CFR
DATA	Maps, Data s Data s Corps' U.S. G U.S. G U.S. G U.S. G USDA Nation State/I FEMA 100-ye Aerial Other p Advance Site vis Applica	, plans, plots sheets preparation office control of the control of	s or plat subired/submitted procurs with the set of concurred by the Concurred by the Courvey 7.5 Mourvey 7.5 Mourvey 15 (Map Namouri Elevation 15 (Name & 1)	mitted by or on I whe delineation with the corps. ies: cologic Atlas linute Topoglinute Historiaservation Shaps: maps: me & Date): cologic the color with th	r on behalf of behalf of the a ion report, dat delineation re graphic maps: ric quadrangle ic quadrangle dervice Soil Su	the applicant. applicant. ded port, dated ess: s:	nt.	all that apply):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-004

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State: Texas County: Harris

Center coordinates of site (latitude/longitude):

Lat: 29.49.46 Long: 95.04.23

Approximate size of area (parcel) reviewed, including uplands: 0.1018 acres.

Name of nearest waterway: San Jacinto River Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 7 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the or the content of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-14-004

Lat	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 an	d 329)
	marcated by.	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	☐ tidal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vego	etation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland deline Croch Environmental Services, Inc.	ation map and/or in a delineation report prepared by:
Bas	asis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 3	33 CFR part 328.3(a)(3)
	The Corps has made a case-specific determination that the fol United States:	lowing waters present on the site are not Waters of the
	Waste treatment systems, including treatment ponds or	lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to uplan	nd if the irrigation ceased
	Artificial lakes and ponds created by excavating and/o	r diking dry land to collect and
	retain water and which are used exclusively for such p rice growing.	urposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other small	ornamental hodies of water created
	by excavating and/or diking dry land to retain water fo	r primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental	to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and	until the construction or excavation operation is efinition of waters of the United States found at 33 CFR
	Isolated, intrastate wetland with no nexus to interstate	22.55
	Prior converted cropland, as determined by the Natural	Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on d	
	Other (explain):	y land. Explain rationale.
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION	(mark all that apply):
23	Maps, plans, plots or plat submitted by or on behalf of the appl	icant.
	Data sheets prepared/submitted by or on behalf of the applican	t.
	This office concurs with the delineation report, dated	, prepared by (company):
7007	This office does not concur with the delineation report, dat	ed , prepared by (company):
	Data sheets prepared by the Corps.	
333	Corps' navigable waters' studies:	
533 530	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
83	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:	
(683) (534)	USDA Natural Resources Conservation Service Soil Survey:	
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
菌	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
33	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFI UMBER:		Galveston D-16791			
Sta Co Ce Ap Na	ate: ounty: onter coordi oproximate	Texas Montgom inates of sit size of area est waterwa	rery e (latitude/longitud a (parcel) reviewed ay: Live Oak Bran San Jacinto River	, includin	30° 19' g uplands:	49"N, 95° 29' 12"W _11-acres
			RMINATION letermination s)	<u> </u>	Date: Date(s):	3/2/05 2/2/05
Ju	risdictiona	ıl Determii	nation (JD):			
	United S	ary JD - Ba states" and/ ce 33 CFR	or "navigable wate	formation	, ☐ <i>there ap</i> Inited States'	ppear to be (or) there appear to be no "waters of the" on the project site. A preliminary JD is not appealable
		d JD – An I that apply		appealable	e action (Ref	Perence 33 CFR part 331).
	There the revie	e are "navi; wed area.	gable waters of the Approximate size of	United St of jurisdict	ates" (as defi tional area:	ined by 33 CFR part 329 and associated guidance) within
	There reviewed	<i>are</i> "wate l area. App	rs of the United Sta proximate size of ju	ites" (as o	defined by 33 al area:	3 CFR part 328 and associated guidance) within the
	■ There	e are "isolo	nted, non-navigable Decision supported Jurisdiction.	, intra-sta I by SWA	ate waters or NCC/Migrat	wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No
	Waters of	defined un ence of wat	ers that are subject	329 as "na to the ebb	and flow of	ters of the United States": f the tide and/or are presently used, or have been used in or foreign commerce.
B	(1) The printerstate (2) The properties (2) The properties (3) The properties and flats destructed (i) with the properties (ii) (iii) (4) Imports (5) The properties (6) The properties (1) The properties (2) The properties (2) The properties (3) The properties (4) The properties (4) The properties (4) The properties (5) The properties	oresence of e or foreign presence of presence of , wetlands, on of which which are of from which which are of undments of presence of	waters, which are commerce, including interstate waters in other waters such a sloughs, prairie pon could affect intersection could be used by if ish or shellfish are could be used for waters otherwise a tributary to a waterritorial seas.	currently ung all wat cluding ir as intrastat tholes, we state comm nterstate of e or could r industria defined a ter identifi	ased, or were ters which are atterstate wetlete lakes, rivelet the meadows, merce includion for foreign transbe taken and all purposes by s waters of the ed in (1) – (4)	rs, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): evelers for recreational or other purposes. d sold in interstate or foreign commerce. y industries in interstate commerce. he US.
wa wa (i.e	ter or wetld ters. If B(1 ., discuss s	and is not it !) or B(3) is tite conditio	tself a navigable we s used as the Basis ons, including why t	ater of the of Jurisdio the waterb	United State ction, docum oody is navig	es to any boxes checked above). If the jurisdictional es, describe connection(s) to the downstream navigable tent navigability and/or interstate commerce connection table and/or how the destruction of the waterbody could the Basis of Jurisdiction, document the rationale used to

make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

determination:

FILE NUMBER:

D-16791

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas D	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated _February 4, 2005, prepared by (company): ☐ This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Conroe, 1976 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: Conroe 1999 State/Local wetland inventory maps: Conroe 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 48339C0377F 100-year Floodplain Elevation is: 192' Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 2/2/05 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16416

PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 08' 02" N, 95 03' 24"W Approximate size of area (parcel) reviewed, including uplands: Unspecified

Name of nearest waterway: West Bay and Gulf of Mexico

Name of watershed: Gulf of Mexico

HIRISDICTIONAL DETERMINAT	

		NAL DETERMINATION Desktop determination Site visit(s)		Date: Date(s): 27 Oct 2004 and 7 Dec 2004		
				Ditte(3). 27 Get 2004 and 7 Dec 2004		
J	Jurisdiction	al Determination (JD):				
[United S	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal (Reference 33 CFR part 331).				
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	■ Ther			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.		
		SDICTIONAL DETERMINA				
	The pres	sence of waters that are subject	to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.		
I	3. Waters	defined under 33 CFR part 3	28.3(a) as	"waters of the United States":		
				sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.		
E		presence of interstate waters in				
	sandflats destructi	s, wetlands, sloughs, prairie por ion of which could affect inters	tholes, wet	e lakes, rivers, streams (including intermittent streams), mudflats, i meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply):		
	(ii) (iii)	from which fish or shellfish are) which are or could be used for oundments of waters otherwise	e or could industrial defined as			
		presence of a tributary to a water presence of territorial seas.	er identifie	ed in (1) – (4) above.		
Ď	(7) The		to other w	aters of the US, except for those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: These wetlands are in close proximity to both West Bay and the Gulf of Mexico. Wetland G is contiguous with West Bay and subject to the ebb and flow of the daily tide. Both the Gulf of Mexico and West Bay are navigable waters of the United States subject to the ebb and flow of the daily tide. Therefore, these wetlands are subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the CLean Water Act. Additionally, Wetland G is subject to U.S. Army Corps of Engineers jurisdiction under Section 10 of the Rivers and Harbors Act.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: HBC Terracon
Ba Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
3 3 3 3 3 3 3 3 3 3	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, received 24 Jan 05, prepared by: HBC Terracon This office does not concur with the delineation report, dated, prepared by: Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
國國区國区國区区國 國國	U.S. Geological Survey 7.5 Minute Topographic maps: Sea Isle, Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Galveston County Soil Survey National wetlands inventory maps: Sea Isle, Texas quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): City of Galveston, 6 Dec 02 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1996 USGS Color Infrared Aerial Photo Other photographs (Date): Site photos in verification report 11 May 04 thru 17 May 04 Advanced Identification Wetland maps: Site visit/determination conducted on: 27 Oct 04 & 7 Dec 04 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston **FILE NUMBER:** D-16749

PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29° 36' 14"N, 95° 18' 15"W Approximate size of area (parcel) reviewed, including uplands: 195 acres.

Name of nearest waterway: Clear Creek Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 2-23-04
Site visit(s) Date(s): 12-15-04

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq there appear to be \) (or) \(\subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.65-acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are adjacent due to location within the 100 yr Floodplain of Clear Creek.

FILE NUMBER: D-16749

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Tide Line indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
1202	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
8	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 12/29/04, prepared by (company): Berg Oliver This office does not concur with the delineation report, dated 12/29/04, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1985 Color IR Other photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: 12/15/04 Applicable/supporting case law: Other information (please specify): See file

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: D-16322

PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 15' 47" N, 94 54' 05" W Approximate size of area (parcel) reviewed, including uplands: 0.56 acre.

JU:

		rest waterway: West Bay ershed: West Galveston Bay	·					
		AL DETERMINATION Desktop determination Site visit(s)		Date: Date(s): 19 Aug 2004				
Ju	risdictiona	al Determination (JD):						
	United S			on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable				
X		ed JD – An approved JD is a ll that apply:	n appealab	ele action (Reference 33 CFR part 331).				
				States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:				
		e are "waters of the United area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:				
	Ther			tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.				
SIS	OF JURIS	SDICTIONAL DETERMI	NATION:					
A.	The pres	ence of waters that are subje	ct to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce.				
В. Х	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":							

BA

- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands south of the house are in close proximity to, and therefore adjacent to, West Bay. West Bay is a navigable water of the United States subject to the ebb and flow of the daily tide. Therefore, the wetland is adjacent to West Bay. Additionally, an undetermined amount of the property is located below the Annual High Tide Line of West Bay.

FILE NUMBER: D-16322

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ verified to the physical markings	egetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland deling Survey of the Corps delineation by Land Survey Company	neation map and/or in a delineation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR part 32 Headquarters declined to approve jurisdiction on the basis o The Corps has made a case-specific determination that the f United States: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to up Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other sma by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstat	f 33 CFR part 328.3(a)(3). collowing waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. land if the irrigation ceased. /or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or ll ornamental bodies of water created for primarily aesthetic reasons. al to construction activity and pits excavated in dry land for and until the construction or excavation operation is edefinition of waters of the United States found at 33 CFR the commerce. ral Resources Conservation Service. Explain rationale:
DATA I	Data sheets prepared/submitted by or on behalf of the applic. This office concurs with the delineation report, dated This office does not concur with the delineation report, or Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virg U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Virginia Point, Texas quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): City of Galveston, 100-year Floodplain Elevation is: VE 19' (NGVD) Aerial Photographs (Name & Date): Texas GLO 2002 color: Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 19 Aug 2004 Applicable/supporting case law:	pplicant. ant, prepared by (company): dated, prepared by (company): inia Point, Texas quadrangle NRCS Galveston County Soil Survey adrangle Texas Panel 19, 6 Dec 2002

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: D-16648

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РК	1 2	вн.	 •	16	A	INHIBRI	VI A	

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.92759;95.44677

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Greens Bayou Name of watershed: Greens Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 01 March 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The data reviewed indicates wetlands within in the 32-acre tract, however there in no known nexus/ hydrologial connection to interstate commerce.

FILE NUMBER: D-16648 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Aldine, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County Digital NRCS map National wetlands inventory maps: Aldine Quad Digital NWI State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County FEMA Q3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16600

PROJE	CT LOCATION INFORMATION:							
Sta								
	unty: Harris							
	nter coordinates of site (latitude/longitud		29.73875;95.52063					
	proximate size of area (parcel) reviewed,	, including	g uplands: acres.					
	me of nearest waterway: Buffalo Bayou							
Na	me of watershed: Buffalo Bayou							
	DICTIONAL DETERMINATION							
Co	mpleted: Desktop determination		Date: 08 February 2005					
	Site visit(s)		Date(s):					
Jur	risdictional Determination (JD):							
	Preliminary JD - Based on available in	formation.	, \square there appear to be (or) \square there appear to be no "waters of the					
,	United States" and/or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable					
	(Reference 33 CFR part 331).		the same and project the same appointment of the same					
	• •							
\boxtimes	Approved JD - An approved JD is an a	ppealable	action (Reference 33 CFR part 331).					
	Check all that apply:		•					
	There are "navigable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within					
	the reviewed area. Approximate size o	f jurisdict	ional area:					
	There are "waters of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the					
	reviewed area. Approximate size of just	risdictiona	al area:					
	There are "isolated non navigable	intua ata	te waters or wetlands" within the reviewed area.					
	Decision supported	, <i>iniira-siai</i> Lby SWA1	NCC/Migratory Bird Rule Information Sheet for Determination of No					
	Jurisdiction.	i by S W Al	Necryingiatory Bird Rule information sheet for Determination of No					
	Janoaronon.							
BASIS (OF JURISDICTIONAL DETERMINA	TION:						
	Waters defined under 33 CFR part 3		vigable waters of the United States".					
	The presence of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in					
	the past, or may be susceptible for use t	to transpor	rt interstate or foreign commerce.					
	1 , , , , , , , , , , , , , , , , , , ,							
В.	Waters defined under 33 CFR part 3	28.3(a) as	"waters of the United States":					
	(1) The presence of waters, which are c	urrently u	sed, or were used in the past, or may be susceptible to use in					
	interstate or foreign commerce, including	ng all wate	ers which are subject to the ebb and flow of the tide.					
	(2) The presence of interstate waters in	cluding in	terstate wetlands ¹ .					
	(3) The presence of other waters such a	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,					
	sandflats, wetlands, sloughs, prairie pot	holes, wet	meadows, playa lakes, or natural ponds, the use, degradation or					
	destruction of which could affect inters	tate comm	nerce including any such waters (check all that apply):					
			r foreign travelers for recreational or other purposes.					
	(ii) from which fish or shellfish are	or could	be taken and sold in interstate or foreign commerce.					
	(iii) which are or could be used for	industrial	purposes by industries in interstate commerce.					
旦	(4) Impoundments of waters otherwise							
	(5) The presence of a tributary to a water	er identifie	ed in $(1) - (4)$ above.					
	(6) The presence of territorial seas.							
Ы	(7) The presence of wetlands adjacent ²	to other w	aters of the US, except for those wetlands adjacent to other wetlands.					
Dat	estionals for the Racis of Jurisdictional Determination (applies to any house checked shows). If the invitational							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16600 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Alief, 1995 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County Digital NRCS

Other information (please specify):

shelving

other:

United States:

328.3(a).

П

П

National wetlands inventory maps: Alief Digital NWI State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County FEMA O3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16627

PR	OJE	ECT LOCATION INFORMATION:	
	Sta	-	
		ounty: Harris	
		enter coordinates of site (latitude/longitude):	30.02628; 95.49792
		pproximate size of area (parcel) reviewed, includin time of nearest waterway: Cypress Creek	g uplands: acres.
		ime of watershed: Cypress Creek Cypress Creek	
	1141	une of watershed. Cypiess creek	
JUI	RISD	DICTIONAL DETERMINATION	
		mpleted: Desktop determination	Date: 24 February 2005
		Site visit(s)	Date(s):
	Jur	risdictional Determination (JD):	
		Preliminary JD - Based on available information	, \Box there appear to be (or) \Box there appear to be no "waters of the
		United States" and/or "navigable waters of the U(Reference 33 CFR part 331).	Inited States" on the project site. A preliminary JD is not appealable
	Ø	Approved JD – An approved JD is an appealable Check all that apply:	e action (Reference 33 CFR part 331).
		There are "navigable waters of the United St the reviewed area. Approximate size of jurisdictions."	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There are "waters of the United States" (as a reviewed area. Approximate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	÷	There are "isolated, non-navigable, intra-sta Decision supported by SWA Jurisdiction.	ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	SIS O	OF JURISDICTIONAL DETERMINATION:	
		Waters defined under 33 CFR part 329 as "na	vigable waters of the United States".
		The presence of waters that are subject to the ebb the past, or may be susceptible for use to transpo	and flow of the tide and/or are presently used, or have been used in
	<u>B.</u>	Waters defined under 33 CFR part 328.3(a) as	s "waters of the United States":
	Ш	(1) The presence of waters, which are currently t	sed, or were used in the past, or may be susceptible to use in
	-	interstate or foreign commerce, including all wat	ers which are subject to the ebb and flow of the tide.
	H	(2) The presence of interstate waters including in	terstate wetlands'.
	Ш	(3) The presence of other waters such as intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
		destruction of which could affect interested comp	t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
		(i) which are or could be used by interstate of	r foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could	be taken and sold in interstate or foreign commerce.
		(iii) which are or could be used for industria	purposes by industries in interstate commerce.
		(4) Impoundments of waters otherwise defined as	s waters of the US.
		(5) The presence of a tributary to a water identifie	ed in (1) – (4) above.
		(6) The presence of territorial seas.	
	Ш	(7) The presence of wetlands adjacent ² to other w	raters of the US, except for those wetlands adjacent to other wetlands.
	Ratio	ionale for the Basis of Jurisdictional Detarmina	tion (applies to any boxes checked above). If the jurisdictional
	wate	er or wetland is not itself a navigable water of the	United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16627 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Spring, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County Digital NRCS map National wetlands inventory maps: Spring Quad, 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County FEMA Q3 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date): January, 1995

Other information (please specify): Harris County LIDAR

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16603

PROJECT LOCATION INFORMATION:

State: Texas County: Harris

County: Harris
Center coordinates of site (latitude/longitude):

29.5840°N, 95.0394°W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Taylor Lake Name of watershed: Taylor Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 2 March 2005 Date(s): 27 January 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) \(\subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mathematical There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contigous with Taylor Lake which is subject to the ebb and flow of the daily tide.

FILE NUMBER: D-16603

Extent of Jurisdiction: (Reference: 33 CFR parts linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
nn High Water Mark indicated by: survey to available datum; physical markings;	vegetation lines/changes in vegetation types.
land boundaries, as shown on the attached wetland goodly or the stacked goodly or the st	delineation map and/or in a delineation report prepared by:
Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain v Water-filled depressions created in dry land inc the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water mee 328.3(a). Isolated, intrastate wetland with no nexus to int Prior converted cropland, as determined by the	asis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the conds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. g and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. idental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is ts the definition of waters of the United States found at 33 CFR erstate commerce. Natural Resources Conservation Service. Explain rationale:
Other (explain): EWED FOR JURSIDICTIONAL DETERMINA s, plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the a This office concurs with the delineation report, date This office does not concur with t	ATION (mark all that apply): the applicant. pplicant. ed Oct 2004, prepared by (company): Berg*Oliver bort, dated , prepared by (company): 1995 League City es: s: prvey: 1976 Harris
ii Es.II see Collyaruvi	nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: In High Water Mark indicated by: urvey to available datum; physical markings; and boundaries, as shown on the attached wetland Olvier Not Asserting Jurisdiction: reviewed area consists entirely of uplands. The to confirm the presence of waters in 33 CFR particularly deleted to approve jurisdiction on the bar corps has made a case-specific determination that and states: Waste treatment systems, including treatment property in the presence of waters in 33 CFR partificially irrigated areas, which would revert a Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain we water-filled depressions created in dry land incompared the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the land of the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the land of the again of the purpose of plat submitted by or on behalf of the again of the purpose of the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the land of the again of the

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	ICT OFFICE: UMBER: CT LOCATION IN	Galveston D-16723			
Sta Cor Cer Ap Na	te: Texas unty: Jefferson nter coordinates of si proximate size of are me of nearest waterw	n County te (latitude/longitud a (parcel) reviewed			47"N, 93° 58' 40"W _6.08 -acres
	DICTIONAL DETE mpleted: Desktop Site visit	determination		Date: Date(s):	3/10/05
Jur	isdictional Determi	nation (JD):			
	Preliminary JD - Boundary United States" and (Reference 33 CFR	or "navigable wate	formation rs of the U	n, there a thicker thicker	ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable
2	Approved JD – An Check all that apply		appealable	e action (Ref	erence 33 CFR part 331).
	There are "navi				ined by 33 CFR part 329 and associated guidance) within
	There are "watereviewed area. App				3 CFR part 328 and associated guidance) within the
	▼ There are "isolo ▼				wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No
	The presence of wa	ider 33 CFR part 3 ters that are subject	329 as "n to the eb	b and flow of	ters of the United States": The tide and/or are presently used, or have been used in or foreign commerce.
B.	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of which in the control in	waters, which are of a commerce, including interstate waters in fother waters such a sloughs, prairie point in the could affect intersure could be used by in fish or shellfish are or could be used foof waters otherwise a tributary to a water territorial seas.	currently or ng all was cluding in as intrasta tholes, we state communiterstate or could reindustria defined a ter identification.	used, or were ters which ar interstate wetl te lakes, rive et meadows, merce includ or foreign tra d be taken an al purposes b as waters of ti ied in (1) – (4)	rs, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): evelers for recreational or other purposes. d sold in interstate or foreign commerce. y industries in interstate commerce.
Pat	ionala for the Rasis	of Jurisdictional I	latarmin	ation (annlic	s to any have checked above) If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-16723

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas M M	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Forte and	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Tablada, inc. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur North 1975 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geologi

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FIL	ĖΝ	CT OFFI UMBER: CT LOC		Galveston D-16968 FORMATION:				
\	Stat		Texas					
		inty:	Jefferson	•				
	Cen	iter coord	inates of sit	te (latitude/longit	ude):	30° 09'	' 28"N, 94° 09' 45"W	
	Nar		est waterw	a (parcel) review ay: Pine Island I Neches River		ng uplands: _	_N/A -acres	
JUI	RISD	ICTION.	AL DETE	RMINATION				
	Cor	npleted:	Desktop of Site visite	determination (s)		Date: Date(s):	3/10/05	
	Jur	isdictiona	al Determi	nation (JD):				
		United S	ary JD - Ba States" and/ ace 33 CFR	or "navigable wa	informatio ters of the	n, [] there a United States	ppear to be (or) there appear to be no "waters of the "on the project site. A preliminary JD is not appealable	
	×	Approve Check al	d JD – An Il that apply	approved JD is a	n appealab	le action (Ref	ference 33 CFR part 331).	
		There the revie	e are "navi wed area.	gable waters of the Approximate size	ne United S e of jurisdic	States" (as def ctional area:	fined by 33 CFR part 329 and associated guidance) within	
		☑ There reviewed	e are "wate l area. App	ers of the United Sproximate size of	States" (as jurisdiction	defined by 3 nal area:	3 CFR part 328 and associated guidance) within the 2.4-acres	
		■ There		nted, non-navigated, Decision supportures. Jurisdiction.	ble, intra-st ted by SWA	tate waters or ANCC/Migra	wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No.	
BAS	SIS C	F.IURIS	DICTION	AL DETERMI	NATION:			
	A.	Waters of The prese	defined un ence of wat	der 33 CFR par ers that are subje	t 329 as "nect to the eb	b and flow of	ters of the United States": f the tide and/or are presently used, or have been used in or foreign commerce.	
	В.	Waters	defined un	der 33 CFR par	t 328.3(a) a	as "waters of	f the United States":	
		(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
		(2) The p	resence of	interstate waters	including i	interstate wet	lands ¹ .	
		destruction (i) w	, wetlands, on of whicl which are or	sloughs, prairie p n could affect into r could be used by	potholes, w erstate com y interstate	et meadows, merce includ or foreign tra	ers, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): avelers for recreational or other purposes. d sold in interstate or foreign commerce.	
		☐ (iii)	which are	or could be used:	for industri	al purposes b	y industries in interstate commerce.	
	Н	(4) impo (5) The p	oresence of	of waters otherwing to a w	se defined : ater identif	as waters of t fied in (1) – (ne US. 4) above.	
		(6) The p	resence of	territorial seas.			US, except for those wetlands adjacent to other wetlands.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are adjacent to the LNVA that discharges into Pine Island Bayou then into the Neches River, a navigable water of the United States.

FILE NUMBER:

D-16968

Lat	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Cestruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
M	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, datedJan 2004, prepared by (company): John Chance
Land Sur	This office does not concur with the delineation report, dated prepared by (company).
	Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Voth U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Voth NWI 83 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA NAD 83 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 DOQQ 1 meter CIR aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: Galveston						
	UMBER: D-16933 CT LOCATION INFORMATION:						
Sta							
	unty: Harris County						
Apj	nter coordinates of site (latitude/longitude	29° 43' 29° 46' including uplands: _					
Nar	ne of nearest waterway: Mitchell Bay, S ne of watershed: Galveston Bay	cott Bayou, Crystal E	lay, Cedar Bayou				
	mpleted: Desktop determination Site visit(s)	Date: Date(s):	3/9/05				
Jur	isdictional Determination (JD):						
			ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable				
×	Approved JD – An approved JD is an approved JD – An approved JD – An approved JD – An approved JD – An approved JD is an approved JD – An approved JD – An approved JD is an approved JD is an approved JD is an approved JD is an approved JD – An approved JD is an approved JD is an approved JD is an approved JD – An approved JD is an approved JD – An approved JD is an approved JD is an approved JD – An app	ppealable action (Ref	erence 33 CFR part 331).				
	There are "navigable waters of the Uthe reviewed area. Approximate size of		ined by 33 CFR part 329 and associated guidance) within				
	There are "waters of the United Stat reviewed area. Approximate size of jur		3 CFR part 328 and associated guidance) within the				
	There are "isolated, non-navigable, Decision supported Jurisdiction.		wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determination of No				
	OF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 32 The presence of waters that are subject the past, or may be susceptible for use to	29 as "navigable was to the ebb and flow of	f the tide and/or are presently used, or have been used in				
В.		urrently used, or were	e used in the past, or may be susceptible to use in				
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,						
	destruction of which could affect interst (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise of (5) The presence of a tributary to a wate (6) The presence of territorial seas.	tate commerce includenterstate or foreign trate or could be taken an industrial purposes bedefined as waters of the identified in (1) – (a)					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Existing sewer line and facility rehabilitation with upland residential subdivisions that do not contain waters of the United States.

FILE NUMBER: D-16933

Lat	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Morgans Point 1999, Highlands 1992 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geologic

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

		Galveston D-16859			
State Cou Cen App Nan	inty: Harris Cou ter coordinates of site proximate size of area ne of nearest waterwa	unty e (latitude/longitude): ı (parcel) reviewed, incl		' 36 "N, 95° 09' 2 _N/A-acres	1"W
	ICTIONAL DETER npleted: Desktop de Site visit(s	letermination 🛮 🔀	Date: Date(s):	3/8/05	
Juri	isdictional Determin	ation (JD):			
	Preliminary JD - Bas United States" and/o (Reference 33 CFR p	or "navigable waters of	nation, there of the United State	appear to be (or) the s" on the project site. A	re appear to be no "waters of the a preliminary JD is not appealable
×	Approved JD – An a Check all that apply:		alable action (Re	ference 33 CFR part 33	1).
	There are "navig the reviewed area. A	gable waters of the Unit Approximate size of jur	ed States" (as de isdictional area:	fined by 33 CFR part 3:	29 and associated guidance) within
	There are "water reviewed area. Appr	rs of the United States" roximate size of jurisdi	(as defined by 3 ctional area:	3 CFR part 328 and ass	sociated guidance) within the
	⊠ I			r wetlands" within the ratory Bird Rule Informa	eviewed area. ition Sheet for Determination of No
A.	Waters defined und The presence of wate	AL DETERMINATION ALL D	s "navigable wa he ebb and flow o		tes": esently used, or have been used in
	(1) The presence of vinterstate or foreign (2) The presence of i (3) The presence of candflats, wetlands, settlements destruction of which	commerce, including al interstate waters includ- other waters such as int sloughs, prairie pothole could affect interstate	ntly used, or wer ill waters which a ing interstate we rastate lakes, rives, wet meadows commerce include	e used in the past, or mare subject to the ebb and tlands. ers, streams (including in playa lakes, or natural ling any such waters (cl	intermittent streams), mudflats, ponds, the use, degradation or neck all that apply):
	(ii) from which are of (4) Impoundments of (5) The presence of a (6) The presence of the first of of the fi	fish or shellfish are or or could be used for indef waters otherwise define a tributary to a water ideterritorial seas.	could be taken as ustrial purposes ned as waters of entified in (1)—	(4) above.	oreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Abandoned Sand Pits with no hydrological connections to another water of the US nor any nexus to interstate commerce.

FILE NUMBER:

D-16859

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas Marie Ma	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant.
Associate	
	This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pasadena, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County, 1972 National wetlands inventory maps: Pasadena, 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 1998 UTM Zone 15, NAD 83, GRS 80 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1M DOQQ, 1996 Other photographs (Date): Of Sand Pits, See File Advanced Identification Wetland maps: Site visit/determination conducted on:
H	Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16383

Stai Cou Cer App Nai Nai	te: Tex- unty: Mon ter coordinates proximate size one of nearest wantened the of watershed	ontgomery s of site (latitude/ko of area (parcel) re vaterway: Nickabu d:	ongitude): viewed, includin rr Creek	29 58' 28.6" ; 95 40' 54.6" ag uplands: acres.
	mpleted: Des	DETERMINATIOn sktop determination e visit(s)	Annabada.	Date: 01 February 2005 Date(s):
Jur	isdictional Det	termination (JD):		
	United States"			n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD Check all that		is an appealabl	e action (Reference 33 CFR part 331).
		"navigable waters area. Approximat		tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		"waters of the Un Approximate size		defined by 33 CFR part 328 and associated guidance) within the nal area:
	■ There are		pported by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters define The presence of	of waters that are	part 329 as "n subject to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	(1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which (ii) from (iii) which (4) Impoundm (5) The present (6) The present interstate or for (5) The present (6) The present interstate or for (5) The present (6) The present interstate or for (6) The present interstate or for (7) The present interstate or for (6) The present interstate or for (7) The present interstate or (7) The present inte	nce of waters, which coreign commerce, nee of interstate waters alands, sloughs, pray which could affect are or could be water or could be an are or could be are	ch are currently including all wasters including all wasters including it such as intrastative potholes, wet interstate comed by interstate liftsh are or could used for industriverwise defined to a water identificats.	used, or were used in the past, or may be susceptible to use in uters which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . It at a lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If the definition of the details are taken and sold in interstate or foreign commerce. In all purposes by industries in interstate commerce. In as waters of the US. It is a successful to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16383 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Ø Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas:

U.S. Geological Survey 7.5 Minute Topographic maps: Oklahoma Quad, 1995

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

USDA Natural Resources Conservation Service Soil Survey: 1958, Montogome National wetlands inventory maps: 1999, Oklahoma Quad

State/Local wetland inventory maps: USDA Natural Resources Conservation Service Soil Survey: 1958, Montogomery County FEMA/FIRM maps (Map Name & Date): Montgomery County FEMA O3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17012

PROJEC	CT LOCATION IN	FORMATION:		
State	e: LA			
Cou	nty: Offshore	Cameron		
Cen	ter coordinates of sit	e (latitude/longitud	e):	Latitude 29 41' 31.32"; Longitude -93 43' 11.64"
App	roximate size of are	a (parcel) reviewed,	including	g uplands: acres.
Nan	ne of nearest waterw	ay: Gulf of Mexico		
Nan	ne of watershed:	Gulf of Mexico		
JURISD	ICTIONAL DETE	RMINATION		
Con	npleted: Desktop	determination		Date: 11 March 2005
	Site visit	(s)		Date(s):
Juri 	isdictional Determi			
		or "navigable water		, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
×	Approved JD – An Check all that apply		appealable	e action (Reference 33 CFR part 331).
	There are "navi the reviewed area.			ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "water reviewed area. Ap			defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "isol			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACIC	OF JURISDICTION	NAI DETEDMIN	ATION.	
				avigable waters of the United States":
A.	The presence of wa	ters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
<u>B.</u>				s "waters of the United States":
\boxtimes				used, or were used in the past, or may be susceptible to use in
				ters which are subject to the ebb and flow of the tide.
	(2) The presence of			
				te lakes, rivers, streams (including intermittent streams), mudflats,
				et meadows, playa lakes, or natural ponds, the use, degradation or
				merce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
_				al purposes by industries in interstate commerce.
片				as waters of the US.
닞			ter identif	ied in (1) – (4) above.
	(6) The presence o(7) The presence o		2 to other v	waters of the US, except for those wetlands adjacent to other wetlands
		6 T . 1		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17012 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): LA, West Cameron Block 17

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17011

PROJI	ECT LOCATION	INFORMATION:		
St	ate: LA			
Co	ounty: Offsh	ore Cameron		
Ce	enter coordinates of	of site (latitude/longitude	e):	Latitude 29 42' 6.12"; Longitude -93 39' 49.68"
Aı	proximate size of	area (parcel) reviewed,	including	
		terway: Gulf of Mexico	Č	•
	me of watershed:			
JURIS	DICTIONAL DE	TERMINATION		
		top determination	\boxtimes	Date: 11 March 2005
		visit(s)	Ħ	Date(s):
	Site v	131(3)		Date(s).
Ju	risdictional Dete	` /		
	Preliminary JD	- Based on available in:	formation,	, \square there appear to be (or) \square there appear to be no "waters of the
	United States":	and/or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable
	(Reference 33 (CFR part 331).		
	Approved JD –	An approved JD is an a	ppealable	action (Reference 33 CFR part 331).
	Check all that a	ipply:		• •
	🔀 There are "1	navigable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed ar	ea. Approximate size o	f jurisdict	ional area: .
			-	
	There are "	waters of the United Sta	tes" (as d	lefined by 33 CFR part 328 and associated guidance) within the
	reviewed area.	Approximate size of jur	risdictiona	il area:
	There are ".	isolated, non-navigable,	, intra-sta	te waters or wetlands" within the reviewed area.
		Decision supported	by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.		
BASIS		IONAL DETERMINA		
<u>A.</u>	Waters defined	d under 33 CFR part 3	29 as "na	vigable waters of the United States":
\boxtimes	The presence of	f waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
				rt interstate or foreign commerce.
В.	Waters defined	d under 33 CFR part 3	28.3(a) as	s "waters of the United States":
\boxtimes	(1) The presence	e of waters, which are o	urrently u	sed, or were used in the past, or may be susceptible to use in
	interstate or for	eign commerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.
	(2) The presence	e of interstate waters in	cluding in	terstate wetlands ¹ .
	(3) The presence	e of other waters such a	s intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetla	nds, sloughs, prairie pot	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of v	which could affect inters	tate comm	nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
	(ii) from w	hich fish or shellfish are	e or could	be taken and sold in interstate or foreign commerce.
	[] (iii) which	are or could be used for	industria	l purposes by industries in interstate commerce.
		ents of waters otherwise		
		e of a tributary to a wat		
X		e of territorial seas.		
	(7) The presence	e of wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.
	· · · · · · · · · · · ·	•		, I
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Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17011 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law:

Other information (please specify): LA, West Cameron Block 17

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17010

PRO	JEC	CT LOCA	TION IN	FORMATION:		
	State	e:	LA			
	Cou			Cameron		
	Cent	ter coordii	nates of si	te (latitude/longitud	e):	Latitude 29 42' 59.04"; Longitude -93 42' 6.48"
				a (parcel) reviewed		g uplands: acres.
	Nam	ne of neare	est waterw	ay: Gulf of Mexico		
	Nam	ne of water	rshed:	Gulf of Mexico		
				RMINATION		
	Con	ipleted:	Desktop	determination	\boxtimes	Date: 11 March 2005
			Site visite	(s)		Date(s):
	Juri	sdictiona	l Determi	nation (JD):		
		Prelimina	ry JD - B	ased on available in	formation.	n, \square there appear to be (or) \square there appear to be no "waters of the
		United St	ates" and	or "navigable water	s of the U	United States" on the project site. A preliminary JD is not appealable
		(Reference	e 33 CFR	2 part 331).		Frequence
		,		•		
	\boxtimes	Approved	d JD – An	approved JD is an a	appealable	e action (Reference 33 CFR part 331).
		Check all	that apply	y:		
		⋈ There	are "navi	igable waters of the	United Sta	tates" (as defined by 33 CFR part 329 and associated guidance) within
		the review	wed area.	Approximate size of	of jurisdict	ctional area: .
		☐ There	are "wate	ers of the United Sta	ites" (as d	defined by 33 CFR part 328 and associated guidance) within the
		reviewed	area. Ap	proximate size of ju	risdictiona	nal area:
		Thous	ana "iaal	atad was sasianble		
		I nere	are ison	Desision summentes	, inira-sia i h CW Al	ate waters or wetlands" within the reviewed area.
				Jurisdiction.	i by SwAi	ANCC/Migratory Bird Rule Information Sheet for Determination of No
				Julisaletion.		
BAS	IS O	F JURIS	DICTION	NAL DETERMINA	ATION:	
						avigable waters of the United States":
	Ø	The prese	ence of wa	ters that are subject	to the ebb	b and flow of the tide and/or are presently used, or have been used in
	-	the past.	or may be	susceptible for use	to transpor	ort interstate or foreign commerce.
		F ,			io irunopo.	on total of total grid commerce.
	В.	Waters d	lefined ur	nder 33 CFR part 3	328.3(a) as	as "waters of the United States":
	\boxtimes	(1) The p	resence of	f waters, which are	currently u	used, or were used in the past, or may be susceptible to use in
		interstate	or foreign	n commerce, includi	ng all wat	aters which are subject to the ebb and flow of the tide.
	В	(2) The p	resence of	f interstate waters in	cluding in	nterstate wetlands ¹ .
		(3) The p	resence of	f other waters such a	as intrastat	ate lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats,	wetlands	, sloughs, prairie po	tholes, we	ret meadows, playa lakes, or natural ponds, the use, degradation or
		destruction	on of whic	th could affect inters	state comm	merce including any such waters (check all that apply):
		(i) w	hich are c	or could be used by i	nterstate o	or foreign travelers for recreational or other purposes.
						d be taken and sold in interstate or foreign commerce.
						al purposes by industries in interstate commerce.
	Ш					as waters of the US.
	Ц				er identifi	fied in (1) – (4) above.
	M			f territorial seas.		
	Ш	(7) The p	resence of	t wetlands adjacent ²	to other w	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(1)

2 FILE NUMBER: D-17010 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): LA, West Cameron Block 17

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17009

PRO	JEC	CT LOCA	TION IN	FORMATION:		
	State	e:	LA			
	Cou		Offshore			
				e (latitude/longitud		Latitude 29 42' 43.92; Longitude -93 41' 50.64"
				a (parcel) reviewed,	including	uplands: acres.
,	Nam	e of neare	st waterw	ay: Gulf of Mexico		
	Nam	e of water	shed:	Gulf of Mexico		
JUR	ISD	ICTIONA	L DETE	RMINATION		
(Con	ipleted:	Desktop o	determination	X N	Date: 11 March 2005
			Site visit((s)		Date(s):
	Juri	sdictional	Determi	nation (JD):		
		Prelimina	ry JD - Ba	ased on available in	formation.	☐ there appear to be (or) ☐ there appear to be no "waters of the
,		United St	ates" and/	or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable
		(Reference	e 33 CFR	part 331).		is not appearable
		•		• /		
	図	Approved	l JD – An	approved JD is an a	ppealable	action (Reference 33 CFR part 331).
		Check all	that apply	<i>y</i> :		• ,
		X There	are "navi	gable waters of the	United Sta	ites" (as defined by 33 CFR part 329 and associated guidance) within
		the review	ved area.	Approximate size of	f jurisdicti	ional area:
		There	are "wate	ers of the United Sta	ites" (as d	efined by 33 CFR part 328 and associated guidance) within the
		reviewed	area. App	proximate size of ju	risdictiona	ıl area: .
		-	<i></i> 1			
		There				te waters or wetlands" within the reviewed area.
			Ш	Decision supported	by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
				Jurisdiction.		
RAS	is o	E HIDIG	DICTION	AL DETERMINA	TION.	
						vigable waters of the United States":
	A. M	The prese	nce of wat	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
İ		the nact	or may be	cuscentible for use	to transpor	t interstate or foreign commerce.
		the past, (n may be	susceptible for use	to transpor	interstate or foreign commerce.
	В.	Waters d	efined un	der 33 CFR nart 3	28.3(a) as	"waters of the United States":
	Ø	(1) The p	resence of	waters, which are	currently u	sed, or were used in the past, or may be susceptible to use in
,						ers which are subject to the ebb and flow of the tide.
	П	(2) The p	resence of	interstate waters in	cluding in	terstate wetlands
	Ħ	(3) The p	resence of	other waters such a	s intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats,	wetlands,	sloughs, prairie po	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
		iii)	which are	or could be used for	r industria	purposes by industries in interstate commerce.
		(4) Impou	indments of	of waters otherwise	defined as	s waters of the US.
						ed in (1) – (4) above.
ĺ	X	(6) The p	resence of	territorial seas.		
		(7) The p	resence of	wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.
		_		-		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17009

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I coil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): LA, West Cameron Block 17

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE N	UMBER: 23630
Sta Co Cer Ap Nar	CT LOCATION INFORMATION: te: Texas unty: Nueces/San Patricio nter coordinates of site (latitude/longitude): Latitude 27 52' 08"N; Longitude 97, 14' 38"W proximate size of area (parcel) reviewed, including uplands: acres. me of nearest waterway: La Quinta Channel me of watershed: North Corpus Christi Bay Huc: 12110201
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) \(\subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23630

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation
	shelving other:
	other:
П	Mean High Water Mark indicated by:
	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	7.100 Vol.100
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
Ø	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	☐ This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
図	Corps' navigable waters' studies:
닗	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Aransas Pass, Gregory, Taft, Sinton East and Sinton West
R	U.S. Geological Survey 7.5 Minute Topographic maps: Aransas Pass, Gregory, Tatt, Sinton East and Sinton West U.S. Geological Survey 7.5 Minute Historic quadrangles:
日	U.S. Geological Survey 15 Minute Historic quadrangles:
H	USDA Natural Resources Conservation Service Soil Survey:
同	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
H	Advanced Identification Wetland maps:
H	Site visit/determination conducted on:
뷣	Applicable/supporting case law: Other information (please specify): Delineation Verification [D-15883 and D-16344] to be done by Corpus Christi
-	ory Office
_	•

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17046

PROJECT LOCATION INFORMATION:

State: TX
County: Liberty

Center coordinates of site (latitude/longitude): 30 degree 01minutes and 02 second N 94 degrees 32 minutes 48

seconds.

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Witts Marsh

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 03/09/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17046

Lat	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
•	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16515/01

PROJECT LOCATION INFORMATION:

State:

Texas

County:

San Patricio

Center coordinates of site (latitude/longitude):

27 59' 34" N, 97 21' 18"W

Approximate size of area (parcel) reviewed, including uplands: 17 acres. Name of nearest waterway: Taft Creek, a tributary of Copano Bay

Name of watershed: Aransas

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 07 March 2005

Date(s):

Jurisdictional Determination (JD):

8	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the appear
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16515/01

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Œ	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
H	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Cother (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Gregory 1965 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Da Natural Resources Conservation Service Soil Survey: 1979 San Patricio and Aransas County Soil Survey National wetlands inventory maps: Gregory (digital, based on 1992 aerial photographs) State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): San Patricio County Panel 401, 18 March 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQsGregory, Ricon Bend, Bayside Other photographs (Date): Site Photographs (undated) Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): CESWG file D-16515

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-15388(01)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

29 39' 46" N, 95 36' 42" W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 30 acres.

Name of nearest waterway: Keagans Bayou Name of watershed: **Austin Oyster**

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 04 August 2004, 19 August 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.6 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [11] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are located within the 100 year floodzone of Keagans Bayou and/or are located below the base flood elevation of Keagans Bayou, a tributary to Bray's Bayou. Bray's Bayou is a navigable water of the United States and flows to Buffalo Bayou, which is also a navigable water of the United States.

FILE NUMBER: D-15388(01)

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
5.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver and Associates
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: excavated in uplands Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 02 February 2005, prepared by (company): Berg Oliver This office does not concur with the delineation report, dated 0, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Alief U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1960 Fort Bend County National wetlands inventory maps: 1999 Alief State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Fort Bend County, Panel 140, 20 April 2000 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Alief; 1998, 1993 un-named Other photographs (Date): undated site photographs Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:
茵	Other information (please specify): Harris County Flood Control District 2003 2-foot contour LIDAR data

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17018

PROJECT LOCATION INFORMATION:

State: Texas

County: Wharton

Center coordinates of site (latitude/longitude): 29 18' 51" N, 96 07' 01" W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 0.75 acres.

Name of nearest waterway: Colorado River Name of watershed: Lower Colorado

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 04 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I High Tide Line indicated by: Oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ľ¥.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	 □ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. □ Artificially irrigated areas, which would revert to upland if the irrigation ceased. □ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant.
5.63	☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: Wharton U.S. Geological Survey 7.5 Minute Historic quadrangles:
375	U.S. Geological Survey 15 Minute Historic quadrangles:
23 23	USDA Natural Resources Conservation Service Soil Survey: Wharton County (digital) National wetlands inventory maps: Wharton (digital-based on 1992 photo)
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): City of Wharton (only panel), 16 September 1982 100-year Floodplain Elevation is: (NGVD)
L. §	Aerial Photographs (Name & Date): Wharton 1995 DOQQ
	Other photographs (Date): Advanced Identification Wetland maps:
	Site visit/determination conducted on:
<u></u> ⊠	Applicable/supporting case law: Other information (please specify): CESWG file D-15556

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE, CESWG

(6) The presence of territorial seas.

	UMBER: D-17008
Stat Cou Cen App Nar	ct Location Information: e: Louisiana unty: Offshore ter coordinates of site (latitude/longitude): Latitude 29 42' 15.84", Longitude -93 42' 8.28" proximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Gulf of Mexico ne of watershed: Gulf of Mexico
	PICTIONAL DETERMINATION Impleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
В	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Smith Bayou, LA U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16970

PROJE	CT LOCA	ATION IN	FORMATION:		
Sta		Texas			
	unty:	Calhoun			
			e (latitude/longitu		28° 18' 30" N, 96° 34' 40" W
	_		·-	_	g uplands: 177.22 acres.
			ay: Espiritu Santo		
Na	me of wate	ershed:	Huc Code: 12100)403, East S	San Antonio Bay
HIDIST	ICTION	AI DETE	RMINATION		
			determination	×	Date: 3 March 2005
	inpicteu.	Site visit(
		Site visit	s)		Date(s):
Jui	risdictiona	l Determi	nation (JD):		
					n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		ce 33 CFR			·
×		d JD – An l that apply		appealable	e action (Reference 33 CFR part 331).
					rates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 177.22 acres.
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isolo			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACIC.	OF HIDIS	DICTION	IAI DETEDMIN	NATION.	
			NAL DETERMIN		ovimble makens of the United Ct. to 27.
A.	The pres	ence of wo	ters that are subject	ot to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in
					ort interstate or foreign commerce.
<u>B.</u>	Waters	defined un	der 33 CFR part	t 328.3(a) a	s "waters of the United States":
Ш					used, or were used in the past, or may be susceptible to use in
					ters which are subject to the ebb and flow of the tide.
					nterstate wetlands ¹ .
					te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					I be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
					as waters of the US.
Ħ					ied in (1) – (4) above.
Ħ			territorial seas	acor racitti	100 m (1) (1) 400 vo.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Espirtu Santo Bay as part of the barrier island/bay system along the Texas Gulf Coast is subject to the ebb and flow of the tides and is a navigable water of the United States.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I high Tide Line indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other: High Tide Line indicated by: I oil or scum line along shore objects Fine shell or debris deposits (foreshore) I physical markings/characteristics I tidal gages Other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Long Island Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-003

PROJECT LOCATION INFORMATION:

State:

Texas Fort Bend

County:

Center coordinates of site (latitude/longitude):

UTM 15, 239330E, 3272875N

Approximate size of area (parcel) reviewed, including uplands: 0.4 acres.

Name of nearest waterway: Middle Bayou Name of watershed: **Brazos River**

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: February 7, 2005 Date(s): March 1, 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.386 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters present include an unnamed tributary of Middle Bayou that has been previously rectified and wetlands adjacent to this tributary. Middle Bayou is a tributary of the Brazos River, a navigable water of the U.S.

FILE NUMBER: SWG-05-14-003 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated February 1, 2005, prepared by (company): TXDOT This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-43-003

DD	O IF	CT I	$\cap \cap A$	TION	INFO	DIMEA	TION:

State:

TEXAS

County:

BRAZORIA

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 274621 E, 3270220 N

Approximate size of area (parcel) reviewed, including uplands: 0.37 acres.

Name of nearest waterway: WEST MARY'S CREEK

Name of watershed:

12040204, WEST GALVESTON BAY

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 3-10-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: MARY'S CREEK IS A NATURAL TRIBUTARY, WHICH INTERSECTS CLEAR CREEK EAST OF THE PROJECT SITE IN FRIENDSWOOD, TEXAS. WETLANDS ONSITE EXIST WITHIN THE 100 YEAR FLOODPLAIN AND HAVE BEEN EVALUATED FOR ADJACENCY UNDER D-16674.

FILE NUMBER: SWG-05-43-003 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: AS STATED BY APPLICANT Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: PEARLAND, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): AS SUBMITTED BY APPLICANT Other photographs (Date): Advanced Identification Wetland mans: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG

FILE NUMBER: D-17035 & D-17036

PROJECT LOCATION INFORMATION:

State:

TEXAS

County:

GALVESTON

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 300126 E, 3224186 N

Approximate size of area (parcel) reviewed, including uplands: 0.03 acres.

Name of nearest waterway: WETLANDS ADJACENT TO GULF OF MEXICO

Name of watershed:

12040204, WEST GALVESTON BAY

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 3-10-05

Date(s):

Jurisdictional Determination (JD):

2.5	Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: AJACENCY DETERMINED BY WETLAND DELINEATION VERIFICATION D-16416.

FILE NUMBER: D-17035 & D-17036

j	Lateral :	Extent of Jurisdiction: (Reference: 33 CFR par	to 220 and	220)	FILE NUMBER: D-17035 & D-1703
	Ord	inary High Water Mark indicated by:			ing indicated by
•		clear, natural line impressed on the bank		night ride L	ine indicated by:
		the presence of litter and debris		☐ fine sh	scum line along shore objects ell or debris deposits (foreshore)
		changes in the character of soil		nhysic:	al markings/characteristics
		destruction of terrestrial vegetation	-	tidal ga	ar markings/characteristics
		shelving		other:	1803
		other:		Outer.	
I	Mea	n High Water Mark indicated by:			
	☐ s	urvey to available datum; physical markings	; 🗌 vegeta	tion lines/cha	anges in vegetation types.
200	Wetl REP	and boundaries, as shown on the attached wetland ORT D-16416, VERIFIED BY G. WEITKNEC	nd delineat HT	on map and/o	or in a delineation report prepared by:
-	71.	Not Asserting Jurisdiction:			
Sac James Control of the Control of	Inch	eviewed area consists entirely of uplands.			
	Head	le to confirm the presence of waters in 33 CFR	part 328(a)	1, 2, or 4-7).	
	The (quarters declined to approve jurisdiction on the	basis of 33	CFR part 328	3.3(a)(3).
****		Corps has made a case-specific determination that	it the follow	ving waters p	resent on the site are not Waters of the
		Waste treatment systems, including treatment	nonde or le		
		Authorally irrigated areas, which would rever	t to unland	if the irrigation	on second
		Artificial lakes and ponds created by excavating	ng and/or d	iking dry land	i to collect and
		retain water and which are used exclusively for	r such pur	oses as stock	Watering irrigation settling basing or
	_	nee growing.			
		Artificial reflecting or swimming pools or other	er small orr	amental bodi	es of water created
		by excavating and/or diking dry land to retain	water for n	rimarily aecth	atio recoma
•	Ц	water-lined depressions created in dry land in	cidental to	construction s	activity and nite assessment in July 1.
		the purpose of obtaining fill, sand, or gravel ur abandoned and the resulting body of water med 328.3(a).	บอรร яกส บ	Ifil the conctr	liction or avanuation amounting in
	\Box	Isolated, intrastate wetland with no nexus to in			
		Prior converted cropland, as determined by the	Natural Re	nmerce. sources Cons	servation Service. Explain rationale
		Non-tidal drainage or irrigation ditches excavar			
		Other (explain):	od on dry	anu. Expiani	rationale:
DATAI	PEVIEV	VED FOR HIDSIDICATION A PERSON			
	Maps,	VED FOR JURSIDICTIONAL DETERMINA plans, plots or plat submitted by or on behalf of	ATION (m	ark all that a	apply):
	Data sr	leets prepared/submitted by or on behalf of the a	pplicant	11.	
	∐ Ih	is office concurs with the delineation report date	ed •	repared by (c	company).
	∐ Th	is office does not concur with the delineation rep	ort, dated	, prepar	red by (company):
4 - 2 4 - 2	Data sn	eets prepared by the Corps.			, (
	Corps.	navigable waters' studies:			
	U.S. G	cological Survey Hydrologic Atlas:			
	U.S. Ge	cological Survey 7.5 Minute Topographic maps: cological Survey 7.5 Minute Historic quadrangle	SEA ISLE	TEXAS	
	U.S. Ge	cological Survey 7.5 Minute Historic quadrangles	S:		
200	USDA	Natural Resources Conservation Service Soil Su	mar.		
	Nationa	l wetlands inventory maps:	ivey.		
	State/Lo	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date):			
	100-yea	r Floodplain Elevation is: (NGVD)			
7 . C.	Aerial P	hotographs (Name & Date):			
Secured Secure	Other pl	notographs (Date):			
	Advance	ed Identification Wetland maps:			
		t/determination conducted on:			
Ž.	Other in	ole/supporting case law: formation (please specify): WETLAND DELINI	E A TEXASS =	(ID)	
			RATION S	URMITTED	LINIDED D. 16416

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-07-007

PR	O	JE	CT	L	OC.	Δ	TI	O	V	IN	FΩ	R	M	ſΔ	TI	n	N	

State:

TEXAS

County:

nty: FT. BEND

Center coordinates of site (latitude/longitude): UTM (NAD 27): Z 15, 235734 E, 3269063 N

Approximate size of area (parcel) reviewed, including uplands: 0.04 acres.

Name of nearest waterway: GAPPS SLOUGH

Name of watershed:

12070104, LOWER BRAZOS

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

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Date: 3-10-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: GAPPS SLOUGH IS A NATURAL TRIBUTARY, WHICH INTERSECTS HOUSE CREEK AND FLOWS INTO SMITHERS LAKE EAST OF THE PROJECT SITE.

	C	>	7.	00	7
FILE NUMBER:	SWG-05-4	3	Ų.	=	•

L 2	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: limit High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<u>a</u>	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: SUGARLAND, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23705

nn	\sim T	T-00	n 1	00	TION	TATEODE	MATION:
РΚ	().I	R.C.		CH . A	VI II I	INFUR	VIA LIUN:

State:

TEXAS

County:

: GALVESTON

Center coordinates of site (latitude/longitude):

- UTM (NAD 27): Z 15, 320670 E, 3238301 N

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: LAKE MADELINE

Name of watershed:

12040204, WEST GALVESTON BAY

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Ø G Date: 3-10-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23705

Lateral I	Extent of Jurisdiction: (Reference in any High Water Mark indicated clear, natural line impressed on the presence of litter and debris changes in the character of soil destruction of terrestrial vegetatishelving other:	by: the bank	High Tide Line indicated by oil or scum line along fine shell or debris dep physical markings/chan tidal gages other: AS STATED BY	shore objects posits (foreshore) racteristics
☐ s	n High Water Mark indicated by: survey to available datum; phyland boundaries, as shown on the			
The r Unab Head The c Units	r Not Asserting Jurisdiction: reviewed area consists entirely of ole to confirm the presence of wat lquarters declined to approve juris Corps has made a case-specific deed States: Waste treatment systems, inclu Artificially irrigated areas, whi Artificial lakes and ponds crear retain water and which are used rice growing. Artificial reflecting or swimmin by excavating and/or diking dr Water-filled depressions create the purpose of obtaining fill, sa abandoned and the resulting bo 328.3(a). Isolated, intrastate wetland with Prior converted cropland, as de	ers in 33 CFR part 328(a)(sdiction on the basis of 33 etermination that the followarding treatment ponds or lack would revert to upland ted by excavating and/or defect would revert to upland the exclusively for such purparts part of the property land to retain water for perfect would be perfect with the property land to retain water for perfect in dry land incidental to and, or gravel unless and undy of water meets the definition on exus to interstate contermined by the Natural Retains and the property of	CFR part 328.3(a)(3). wing waters present on the sit agoons, pursuant to 33 CFR p if the irrigation ceased. iking dry land to collect and boses as stock watering, irrigation mamental bodies of water creationarily aesthetic reasons. construction activity and pits ntil the construction or excave inition of waters of the United mmerce. esources Conservation Service	part 328.3. ation, settling basins, or ated s excavated in dry land for ation operation is d States found at 33 CFR
Maps, Data s Data s Corps U.S. G U.S. G U.S. G U.S. G U.S. G U.S. G Acrial Other p Advance Site vis Applic	WED FOR JURSIDICTIONAI, plans, plots or plat submitted by sheets prepared/submitted by or or his office concurs with the deliner his office does not concur with the sheets prepared by the Corps. 'navigable waters' studies: Geological Survey Hydrologic Atl Geological Survey 7.5 Minute Top Geological Survey 15 Minute History Natural Resources Conservation hal wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local Wetland in Elevation is: Photographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: able/supporting case law: information (please specify):	as: cographic maps: GALVES toric quadrangles: Service Soil Survey: (NGVD)	nark all that apply): int. prepared by (company): , prepared by (compan	ıy):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23712

PR	റ	TF	CT	T.	a	CA	TI	n	N	T	JE	α) N.	7 A	TI	ON:	
ГΝ	v	JL	-1	L	v	$-\mu$		v	1.4	- 8 1	V P	.,,	C I V	10			:

State: Texas

County: Galveston
Center coordinates of site (latitude/longitude):

Center coordinates of site (latitude/longitude): 29-32-5TW / 95-1-46N Approximate size of area (parcel) reviewed, including uplands: 0.003 acres.

Name of nearest waterway: Clear Lake Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 10 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, ___ there appear to be (or) ___ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.003 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE	NUMBER	23712

L	ateral Ex	tent of Jurisdiction:	(Reference: 33 CFR p	arts 328 and	329)		
L L	Ordina	ary High Water Mark i	indicated by:			Line indicated by:	
. 41.1	c	lear, natural line impre	essed on the bank		∏ oil oi	r scum line along shore objects	2
	ti	he presence of litter an	nd debris		ine s	shell or debris deposits (foresh	ore)
	🗆 с	hanges in the characte	er of soil		physi	ical markings/characteristics	oic)
	□ d	lestruction of terrestria	al vegetation			gages	
		helving	3		other		•
		other:			outer	•	
	Mean I	High Water Mark indic	cated by:				
	∐ sur	vey to available datum	n; 🔲 physical markin	gs; 🗌 vegeta	tion lines/c	changes in vegetation types.	
	Wetlan	nd boundaries, as show	vn on the attached wet	land delineati	on map and	d/or in a delineation report pre	pared by:
Ba	asis For N	Not Asserting Jurisdic	ction:				
	The rev	viewed area consists er	ntirely of uplands.				
	Unable	to confirm the presen-	ice of waters in 33 CFI	R part 328(a)(1. 2. or 4-7	7)	
	Headqu	parters declined to app	rove jurisdiction on th	e basis of 33	CFR part 3	7. 28 3(a)(3)	
		orps has made a case-s	pecific determination	that the follow	ving waters	s present on the site are not Wa	C41
	United	States:	promise determination	mat the lone	ville waters	s present on the site are not wa	iters of the
		Waste treatment syste	ems, including treatme	nt ponds or la	one nur	suant to 33 CFR part 328.3.	
		Artificially irrigated a	areas, which would rev	ert to upland	if the irrios	ation ceased	
		Artificial lakes and po	onds created by excava	ting and/or d	iking dry la	and to collect and	
		retain water and which	h are used exclusively	for such pur	mses as sto	ck watering, irrigation, settling	~ h ooima
		rice growing.		ioi suon pur	703C3 a3 310	ek watering, irrigation, setting	g basins, or
		Artificial reflecting or	r swimming pools or o	ther small orr	amental bo	rdies of water created	
		by excavating and/or	diking dry land to retain	in water for n	rimarily ae	sthetic reasons	
		Water-filled depressio	ons created in dry land	incidental to	construction	on activity and pits excavated in	n dwyland fad
		the purpose of obtaining	ng fill, sand, or gravel	unless and u	ntil the con-	struction or excavation operati	n dry land fol
	;	abandoned and the res	sulting body of water r	neets the defi	nition of w	aters of the United States found	d at 22 CED
		328.3(a).	g y · · · · · · · · · ·	noons the deli	intion of w	aters of the Officer States four	u at 33 CFR
			tland with no nexus to	interstate cor	nmerce		
		Prior converted cropla	and, as determined by t	he Natural R	esources Co	onservation Service. Explain ra	ationala:
							monaic.
		Non-tidal drainage or i Other (explain):	irrigation ditches exca	vated on dry	land. Expla	ain rationale:	
DATA I	REVIEW	ED FOR JURSIDIC	TIONAL DETERMI	NATION (m	ark all the	at anniv).	
	Maps, pl	lans, plots or plat subn	nitted by or on behalf	of the applica	nt	at apply).	
	Data she	ets prepared/submitter	d by or on behalf of th	e applicant	-10.		
	☐ This	s office concurs with the	he delineation report, o		nrenared hy	y (company):	
	☐ This	office does not concu	ur with the delineation	report, dated	nre	nared by (company):	
	Data she	ets prepared by the Co	orps.	roport, dated	, pro	pared by (company).	
図		avigable waters' studi					
	U.S. Geo	ological Survey Hydro	ologic Atlas				
X	U.S. Geo	ological Survey 7.5 Mi	inute Topographic maj	ns: League Ci	ty Tevac		
73	U.S. Geo	ological Survey 7.5 Mi	inute Historic quadran	ps. League Ci	ty, Texas		
面	U.S. Geo	ological Survey 15 Min	nute Historic quadrang	gies. dec:			
	USDA N	Jatural Resources Con	servation Service Soil	Survey.		*	
	National	wetlands inventory ma	ians.	Survey.			
	State/Loc	cal wetland inventory	mane.				
	FEMA/F	IRM maps (Map Nam	naps. ne & Datal:				
	100-vear	Floodplain Elevation	is: (NGVD)				
詞	Aerial Pl	notographs (Name & D	Data): (IVUVD)				
	Other ph	otographs (Name & L	raicj.				
	Advance	d Identification Wetlar	nd mana.				
	Site vicit	d identification wettar /determination conduc	nu maps:				
Ē		ele/supporting case law					
	Outer info	formation (please speci	ну):				

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

NETDICT OFFICE, Columnts

IJ	12	1	KIŲ I	OFFI	CL:	Gaiv	eston	Distric
F	IL	E	NUM	IBER:	SW	G-05	-33-00)6

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State: County:

Texas Harris

Center coordinates of site (latitude/longitude):

29-49-12N / 95-43-45W

Approximate size of area (parcel) reviewed, including uplands: 0.07 acres.

Name of nearest waterway: Dinner Creek

Name of watershed:

Bear Creek/Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 8 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.07 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
 - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: SWG-05-33-006** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects \boxtimes the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Addicks, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

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U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16996

PROJECT LOCATION INFORMATION:

State:

Louisiana

County:

Cameron Parish

Center coordinates of site (latitude/longitude):

29-46-8.4 / 93-52-46.4

Approximate size of area (parcel) reviewed, including uplands: 0.106 acres.

Name of nearest waterway: Sabine Lake Sabine-Neches River Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.106 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	Coordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line indicated
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23708

PROJECT LOCATION INFORMATION:

State:

Texas

County: Calhoun

Center coordinates of site (latitude/longitude):

UTM 14 713157E 3153012N (NAD27) Austwell quadrangle

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Alligator Slide Lake Name of watershed: Alligator Slide Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 3 March 2005

acres.

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located within Alligator Slide Lake.

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 at Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Plans	rid 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	etation lines/changes in vegetation types.
2	Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
Bas	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the d 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natural	lowing waters present on the site are not Waters of the r lagoons, pursuant to 33 CFR part 328.3. Indiff the irrigation ceased. Indiff the irrigation cea
	Non-tidal drainage or irrigation ditches excavated on d Other (explain):	ry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applicate sheets prepared/submitted by or on behalf of the applicant This office concurs with the delineation report, dated This office does not concur with the delineation report, dated this office does not concur with the delineation report, dated this office does not concur with the delineation report, dated this office does not concur with the delineation report, dated this office does not concur with the delineation report, dated this office does not concur with the delineation report, dated that sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic qua	icant. prepared by (company):

Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 14492(00)007

DD.	^	TECT	` T	004	TION	INFORMATION:
rĸ	ιJ			AN.A	L I IUN	INTURIVIA I IUN:

State:

Texas

County:

Calhoun Center coordinates of site (latitude/longitude):

UTM 14 728759E 3129737N (NAD27) Mosquito Point quadrangle

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: San Antonio Bay Name of watershed:

San Antonio Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s)

Date: 18 Feb 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located within San Anotnio Bay.

		7		FILE NUMBER: 14492(00)007
L:	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 328		9)
		nary High Water Mark indicated by: clear, natural line impressed on the bank	≥ Hi	igh Tide Line indicated by:
	Ħ	the presence of litter and debris	누	oil or scum line along shore objects
	ō	changes in the character of soil	누	fine shell or debris deposits (foreshore) physical markings/characteristics
		destruction of terrestrial vegetation	F	tidal gages
		shelving	Þ	other: Plans
		other:		y outer. I tuis
	E			
	Mear	High Water Mark indicated by:		
	∐ sı	urvey to available datum; physical markings;	vegetatio	n lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetland del	ineation	map and/or in a delineation report prepared by:
Ba Ea Ea Ea	The re	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.		
£a	Unab	le to confirm the presence of waters in 33 CFR part 3	28(a)(1,	2, or 4-7).
23	The	quarters declined to approve jurisdiction on the basis	of 33 CF	R part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that the d States:	followin	g waters present on the site are not Waters of the
				22 CTTD
		Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u	s or rago nland if (ons, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating an	d/or diki	ng dry land to collect and
		retain water and which are used exclusively for suc	h purpos	es as stock watering, irrigation, settling hasins or
		rice growing.		
		Artificial reflecting or swimming pools or other sm	all ornan	nental bodies of water created
		by excavating and/or diking dry land to retain water	for prin	narily aesthetic reasons.
	Ц	the purpose of obtaining fill and or gravel and pro-	tal to co	nstruction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the	and until	the construction or excavation operation is
		abandoned and the resulting body of water meets th 328.3(a).	e delinit	ion of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to intersta	te comm	nerce
		Prior converted cropland, as determined by the Natu	ral Reso	ources Conservation Service. Explain rationale
	_			
	H	Non-tidal drainage or irrigation ditches excavated of	n dry lan	d. Explain rationale:
	Ш	Other (explain):		
DATA F	REVIE	WED FOR JURSIDICTIONAL DETERMINATION	M (man	de all ale as a secolor.
X	Maps,	plans, plots or plat submitted by or on behalf of the a	nnlicant	к ан тат арргу):
	Data sl	heets prepared/submitted by or on behalf of the applic	ant.	
	∐ Th	his office concurs with the delineation report, dated	. pre	epared by (company):
-	∐ Th	his office does not concur with the delineation report.	dated	, prepared by (company):
	Data sl	neets prepared by the Corps.		1 1 3 (
	Corps'	navigable waters' studies:		
323	U.S. G	eological Survey Hydrologic Atlas:		
	U.S. G	eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles:		
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
	USDA	Natural Resources Conservation Service Soil Survey		
	Nation	al wetlands inventory maps:		
2	State/L	ocal wetland inventory maps:		
<u> </u>	FEMA	/FIRM maps (Map Name & Date):		
		ar Floodplain Elevation is: (NGVD)		
100 E		Photographs (Name & Date): shotographs (Date):		
100 m		onotographs (Date): ced Identification Wetland maps:		
Ħ	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
		nformation (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23703

PR	O.	Œ	CT	L	O.	CA	T	M	N	IN	$\mathbf{F}\mathbf{O}$	RI	VI A	TI	ON:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29-33.6.3 / 95-3-7.2

Approximate size of area (parcel) reviewed, including uplands: 0.025 acres.

Name of nearest waterway: Clear Lake Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2 March 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1,110 square feet (0.025 acres).

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 23703 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1987 League City, Texas State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17053

PR	റ	JE.	CT	1.6	CA	TI	ON	IN	FOI	₽M.	ATION	
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State:

Texas

County: Galveston

29-32-29.7 / 95-1-58.8

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.011 acres.

Name of nearest waterway: Clear Lake Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 2 March 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

-1100 1400-01	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be no "waters of the or the preliminary JD - Based on available information, \(\subseteq \text{ the preliminary JD - Based on available information appear to be no "waters of the or the preliminary JD - Based on available information appear to be no "waters of the or the preliminary JD - Based on available information appear to be no "waters of the or the preliminary JD - Based on available information appear to be no "waters of the or the preliminary JD - Based on available information appear to be no "waters of the or t
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 494 square feet (0.011 acre).

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

T	atawal I	Frederick of Tourish 11 41 (P. C			FILE NUMBER: D-1705
	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 a inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	⊠ Hi □ □	igh	Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
2.		n High Water Mark indicated by: ourvey to available datum;	getatio	on l	ines/changes in vegetation types.
	_	land boundaries, as shown on the attached wetland delin			
Ba	The r Unab Head The (r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328 dquarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the forest states: Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upla Artificial lakes and ponds created by excavating and/retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless an abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natura	or lago and if to or diking purpos or print I to cond d until definiti	FR ing voon the ing sees men mar institution	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or atal bodies of water created ily aesthetic reasons. ruction activity and pits excavated in dry land for e construction or excavation operation is of waters of the United States found at 33 CFR ce.
		Non-tidal drainage or irrigation ditches excavated on of Other (explain):			
DATA	Maps, Data s The Tribute of the composite of the composit	WED FOR JURSIDICTIONAL DETERMINATION, plans, plots or plat submitted by or on behalf of the applicate shies office concurs with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office dological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: League Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: A Natural	olicant. nt. , pre nted	epa	red by (company): , prepared by (company):
ender. Sand		information (please specify).			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Revised 8/13/04

	ICT OFFICE: NUMBER:	Galveston D-14966				
Sta Co Ce Ap Na	ete: Texas punty: Brooks enter coordinates of site proximate size of area ume of nearest waterwa ume of watershed: Palo	e (latitude/longitude) a (parcel) reviewed, i ay: GIWW	: 27 15 ncluding	5.3496; 98 10 25.4136 uplands: <u>7.0</u> acres.		
	DICTIONAL DETER ompleted: Desktop d Site visit(letermination	Z D	Date: 9 March 2005 Date(s):		
Jui	risdictional Determin	nation (JD):				
×	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
	Approved JD – An a Check all that apply	approved JD is an ap	pealable	action (Reference 33 CFR part 331).		
	There are "navig the reviewed area. A	gable waters of the U Approximate size of j	nited Sta jurisdicti	tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:acre.		
	There are "water reviewed area. App	rs of the United State roximate size of juris	s" (as de sdictional	efined by 33 CFR part 328 and associated guidance) within the l area:acre.		
		ted, non-navigable, i Decision supported b Jurisdiction.	ntra-stat y SWAN	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No		
BASIS (The presence of water	ler 33 CFR part 329 ers that are subject to	as "nave the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.		
В.	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in					
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.					
	(ii) from which	fish or shellfish are out out of the could be used for it	or could to	pe taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.		
\boxtimes	(4) Impoundments of	f waters otherwise de	fined as	waters of the US.		
	(5) The presence of a	a tributary to a water				
	(6) The presence of t(7) The presence of v	erritorial seas. wetlands adjacent ² to	other wa	aters of the US, except for those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Intermittent streams that are tributary to the Baffin Bay Estuarine System.

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation Other: hydrophytic vegetation Other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Falfurrias, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Revised 8/13/04

	ICT OFFICE: UMBER:	Galveston D-17005				
Sta Co Ce Ap Na	te: Texas tunty: Cameron nter coordinates of si proximate size of are me of nearest waterw me of watershed: Arr	te (latitude/longitude a (parcel) reviewed, vay: Arroyo Colorade	including o River	31.2136; 97 43 43.0954 g uplands: <u>1.5</u> acres.		
	mpleted: Desktop of Site visit(determination	⊠ □	Date: 8 March 2005 Date(s):		
Jui	risdictional Determi	nation (JD):				
	Preliminary JD - Ba	ased on available inf or "navigable waters	Formation s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable		
	Approved JD – An Check all that apply	approved JD is an apy:	ppealable	action (Reference 33 CFR part 331).		
	There are "navige the reviewed area.	gable waters of the U Approximate size of	Jnited Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:acre.		
	There are "wate reviewed area. App	ers of the United State proximate size of jur	es" (as d	efined by 33 CFR part 328 and associated guidance) within the larea:acre.		
		ated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No		
BASIS (The presence of wat	der 33 CFR part 32 ers that are subject to	9 as "na o the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.		
B.	(1) The presence of	waters, which are cu	irrently u	"waters of the United States": sed, or were used in the past, or may be susceptible to use in		
	(4) Impoundments o(5) The presence of a(6) The presence of the prese	of waters otherwise d a tributary to a water territorial seas.	efined as r identifie	waters of the US.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a	nd 329)
	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore)
	changes in the character of soil destruction of terrestrial vegetation	□ physical markings/characteristics
	shelving	☐ tidal gages ☐ other:
	other: hydrophytic vegetation	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	getation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delin-	eation map and/or in a delineation report prepared by:
Bas A	Unable to confirm the presence of waters in 33 CFR part 328 Headquarters declined to approve jurisdiction on the basis of The Corps has made a case-specific determination that the fo United States: Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upla Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless an	33 CFR part 328.3(a)(3). Illowing waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. and if the irrigation ceased. Or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or ornamental bodies of water created or primarily aesthetic reasons. It to construction activity and pits excavated in dry land for d until the construction or excavation operation is definition of waters of the United States found at 33 CFR commerce.
	This office community the 1.1	licant. nt, prepared by (company): nted, prepared by (company):
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston
FILE NUMBER: D-17006

PROJECT LOCATION INFORMATION:

State: Texas County: Willacy

Center coordinates of site (latitude/longitude): 26 31 14.178; 97 52 13.966 Approximate size of area (parcel) reviewed, including uplands: 40 acres.

Name of nearest waterway: Name of watershed: La Sal Vieja

JURISDICTIONAL DETERMINATION

Completed:	Desktop determination	⊠ □	Date: 8 March 2005		
	Site visit(s)		Date(s):		

Jurisdictional Determination (JD):

×	Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:acre.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Not Jurisdiction

BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
A	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
Ш	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
Ш	(6) The presence of territorial seas.
Ш	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 3	328 and 329)
	Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving	other:
	other: hydrophytic vegetation	ouler.
	Mean High Water Mark indicated by:	
-	survey to available datum; physical markings;	
	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Bas Bas Bas Bas Bas Bas Bas Bas	Officed States:	sis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the
	Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to	upland if the irrigation ceased.
		and/or diking dry land to collect and
	rice growing.	such purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other	small amount of the Control of the C
	by excavating and/or diking dry land to retain wa	ontar for primarily poorly at a second
	Water-filled depressions created in dry land incident	dental to construction activity
	the purpose of obtaining fill, sand, or gravel unle	dental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is
	abandoned and the resulting body of water meets	the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to inter	state commerce.
	Prior converted cropland, as determined by the N	atural Resources Conservation Service Explain rationals:
	Non-tidal drainage of irrigation ditches excavated	d on dry land. Explain rationale:
	Other (explain):	,
DATAR	EVIEWED FOR JURSIDICTIONAL DETERMINAT	fION (mark all that apply):
Z Z	Maps, plans, plots or plat submitted by or on behalf of the	e applicant.
Ш	Data sheets prepared/submitted by or on behalf of the app	olicant.
	This office concurs with the delineation report, dated	
	This office does not concur with the delineation repo	rt, dated, prepared by (company):
H	Data sheets prepared by the Corps. Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey Hydrologic Atlas:	t
台	U.S. Geological Survey 7.5 Minute Topographic maps: Y U.S. Geological Survey 7.5 Minute Historic quadrangles:	turria, TX
Ħ	U.S. Geological Survey 15 Minute Historic quadrangles:	
Ħ	USDA Natural Resources Conservation Service Soil Surv	
岗	National wetlands inventory maps: Yturria, TX	rey:
fi	State/Local wetland inventory maps:	
Ħ	FEMA/FIRM maps (Map Name & Date):	
ā	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	City 1 1/1 / 1 / 1 / 1	
	Site visit/determination conducted on:	
	Site visit/determination conducted on: Applicable/supporting case law:	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

PROJECT LOCATION INFORMATION: State: Texas County: Hidalgo Center coordinates of site (latitude/longitude): 26-19-16/97-56-08 Approximate size of area (parcel) reviewed, including uplands: 1 acres. Name of nearest waterway: North Floodway Name of watershed: Arroyo Colorado JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 8 March 2005 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "wat United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not a (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidathe reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:					
Date: 8 March 2005 Site visit(s) Date: 8 March 2005 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "wat United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not a (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidathe reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:					
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "wat United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not a (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidathe reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:					
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not a (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidathe reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:					
Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guida the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:	ers of the appealable				
the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
reviewed area. Approximate size of jurisdictional area:	nce) within				
***	n the				
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determin Jurisdiction.	ation of No				
BASIS OF JURISDICTIONAL DETERMINATION:					
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been the past, or may be susceptible for use to transport interstate or foreign commerce.	n used in				
 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), must sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradated 					

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral Ex	xtent of Jurisdiction: (Reference: 33 CFR parts 328 and		FILE NUMBER: D-16702 (DS1)			
Ë	Ordin						
		clear, natural line impressed on the bank	Hig	h Tide Line indicated by:			
	H :	the presence of litter and debris	닏	oil or scum line along shore objects			
	H :	the presence of inter and debris	Ц	fine shell or debris deposits (foreshore)			
	H	changes in the character of soil	Ш	physical markings/characteristics			
		destruction of terrestrial vegetation		tidal gages			
		shelving		other:			
		other:					
	Mass	III-1 Web Made No. 1 to the control of the control					
	Mean	High Water Mark indicated by:					
	Sui	vey to available datum; 🔲 physical markings; 🔲 veget	ation	lines/changes in vegetation types.			
Ø	Wetla	nd houndaring on shown on the attention to the state					
KiiN	Horizo	nd boundaries, as shown on the attached wetland delineat on Environmental Services	ion m	nap and/or in a delineation report prepared by:			
	1101120	on Environmental Services					
Ra	sis For N	Not Asserting Jurisdiction:		,			
M	The re	viewed area consists entirely of uplands.					
囡	Unable	to confirm the presence of waters in 22 CED and 2007					
H	Heada	e to confirm the presence of waters in 33 CFR part 328(a)	(1, 2, 2)	, or 4-7).			
	The Co	uarters declined to approve jurisdiction on the basis of 33	CFR	k part 328.3(a)(3).			
823	United	orps has made a case-specific determination that the follo States:	wing	waters present on the site are not Waters of the			
	H	Waste treatment systems, including treatment ponds or l	agooi	ns, pursuant to 33 CFR part 328.3.			
	H	Artificial lakes and ponds created by averaging a lakes and ponds are lakes are lakes and ponds are lakes and	l if the	e irrigation ceased.			
	لـــا	Artificial lakes and ponds created by excavating and/or or	diking	g dry land to collect and			
		retain water and which are used exclusively for such pur rice growing.	poses	s as stock watering, irrigation, settling basins, or			
	ш	Artificial reflecting or swimming pools or other small or	name	ental bodies of water created			
		by excavating and/or diking dry land to retain water for p	prima	rily aesthetic reasons.			
		Water-filled depressions created in dry land incidental to	cons	struction activity and pits excavated in dry land for			
		the purpose of obtaining fill, sand, or gravel unless and u	ıntil tl	he construction or excavation operation is			
		abandoned and the resulting body of water meets the def 328.3(a).	initio	n of waters of the United States found at 33 CFR			
		326.3(a).					
		Isolated, intrastate wetland with no nexus to interstate co	mme	rce.			
	لسا	Prior converted cropland, as determined by the Natural R	tesou	rces Conservation Service. Explain rationale:			
	П	Non-tidal drainage or irrigation ditches excavated on dry	. 1	T 11 at 1			
		Other (explain):	iana.	. Explain rationale:			
		(·)·					
DATA R	REVIEW	ED FOR JURSIDICTIONAL DETERMINATION (mauli	all that any lab			
\boxtimes	Maps, p	lans, plots or plat submitted by or on behalf of the applic	mark ont	an that apply):			
茵	Data sh	eets prepared/submitted by or on behalf of the applicant.	ant.				
	☐ Thi	- 00		and have (an array array)			
	₩ Thi	s office does not concur with the delineation report, dated	prepa	ared by (company):			
Environn	nental Se	rvices (do not concur w/report that this wetland is jurisdi	ction:	2003, prepared by (company): Horizon			
П	Data she	eets prepared by the Corps.	CHOIR	ai).			
		navigable waters' studies:					
同		ological Survey Hydrologic Atlas:					
図	U.S. Ge	ological Survey 7.5 Minute Topographic maps:					
	U.S. Ge	ological Survey 7.5 Minute Historic quadrangles:					
	U.S. Ge	ological Survey 15 Minute Historic quadrangles:					
Ø	USDA 1	Natural Resources Conservation Service Soil Survey: Hid	alan (County 1001			
図	National	wetlands inventory maps: Edcouch, TX	aigu	County, 1961			
	State/Lo	cal wetland inventory maps:					
X	FEMA/I	FIRM maps (Map Name & Date): FEMA, 1998					
简	100-year Floodplain Elevation is: (NGVD)						
図		hotographs (Name & Date): TNRIS, 1995					
	Other ph	notographs (Date):					
	Advance	ed Identification Wetland maps:					
		t/determination conducted on:					
回		ple/supporting case law:					
		formation (please specify):					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	NUMBER: D-16702 (DS3)					
Sta Co Ce Ap Na	ECT LOCATION INFORMATION: ate: Texas bunty: Hidalgo center coordinates of site (latitude/longitude): 26-19-13/97-55-47 boproximate size of area (parcel) reviewed, including uplands: 1 acres. tume of nearest waterway: North Floodway tume of watershed: Arroyo Colorado					
	DICTIONAL DETERMINATION ompleted: Desktop determination					
Ju	risdictional Determination (JD):					
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Not Jurisdiction.					
BASIS	OF JURISDICTIONAL DETERMINATION:					
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands!. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that sands).					

uction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral Ex	xtent of Jurisdiction: (Reference: 33 CFR parts 328 and	1.220	FILE NUMBER: D-16702 (DS3)			
	Ordin						
****	, O	clear, natural line impressed on the bank	Hig	gh Tide Line indicated by:			
	H :	the presence of litter and debris	닏	oil or scum line along shore objects			
	H :	changes in the character of soil	닏	fine shell or debris deposits (foreshore)			
	H :	destruction of terrestrict and the	닏	physical markings/characteristics			
	H	destruction of terrestrial vegetation	\sqcup	tidal gages			
		shelving		other:			
		other:					
	Mean	High Water Mords in direct of 1					
		High Water Mark indicated by:					
		vey to available datum; physical markings; vege	tation	lines/changes in vegetation types.			
×	Wetla	nd houndaries, as shown on the attached western 1, 1, 1		••			
5000	Horizo	nd boundaries, as shown on the attached wetland delinea on Environmental Services	tion n	nap and/or in a delineation report prepared by:			
Ba	sis For I	Not Asserting Jurisdiction:					
	The re-	viewed area consists entirely of uplands.					
\boxtimes	Unable	to confirm the presence of waters in 33 CFR part 328(a)/1 2	2 or 4.7)			
	Heada	uarters declined to approve jurisdiction on the basis of 3	.八1, 4, 2 CED	, 01 4-7).			
×	The Co	orps has made a case-specific determination that the follo	ovina	C part 328.3(a)(3).			
		States:	JWIIIR	, waters present on the site are not Waters of the			
	П	Waste treatment systems, including treatment ponds or	10000	22 CFD			
	П	Artificially irrigated areas, which would revert to upland	A :F4L	ils, pursuant to 33 CFR part 328.3.			
	ō	Artificial lakes and ponds created by excavating and/or	u II in	ie irrigation ceased.			
	_	retain water and which are used exclusively for such as	diking	g dry land to collect and			
		retain water and which are used exclusively for such purice growing.	rposes	s as stock watering, irrigation, settling basins, or			
		Artificial reflecting or swimming pools or other small of					
	ليبيا	by excavating and/or diking dry land to retain water for	rname	ental bodies of water created			
		Water-filled depressions created in dry land incidental a	prima	irily aesthetic reasons.			
		Water-filled depressions created in dry land incidental to	o cons	struction activity and pits excavated in dry land for			
		the purpose of obtaining fill, sand, or gravel unless and the resulting body of water most at the property of	untii t	ne construction or excavation operation is			
		abandoned and the resulting body of water meets the del 328.3(a).	Ilnitio	on of waters of the United States found at 33 CFR			
		Isolated, intrastate wetland with no nexus to interstate co					
		Prior converted cropland as determined by the Network	omme	rce.			
		Prior converted cropland, as determined by the Natural F	Kesou	rces Conservation Service. Explain rationale:			
		Non-tidal drainage or irrigation ditches excavated on dry	v land	Evaloin actionals			
		Other (explain):	, iaita.	. Explain fationale:			
		• •					
DATA R	REVIEW	ED FOR JURSIDICTIONAL DETERMINATION (mark	(all that anniv).			
	maps, p	lans, plots or plat submitted by or on behalf of the application	cant	an char apply).			
M	Data she	eets prepared/submitted by or on behalf of the applicant.					
	☐ Thi:	s office concurs with the delineation report, dated	nren	pared by (company):			
	⊠ Thi:	s office does not concur with the delineation report, dated	d Feb	2005 prepared by (company), Haring			
Environn	nemai se	vices (do not concur w/report that this wetland is jurisdi	iction	al)			
	Data she	eets prepared by the Corps.					
	Corps' n	navigable waters' studies:					
	U.S. Ge	ological Survey Hydrologic Atlas:					
M	U.S. Geo	ological Survey 7.5 Minute Topographic maps:					
	U.S. Geo	ological Survey 7.5 Minute Historic quadrangles:					
	U.S. Geo	ological Survey 15 Minute Historic quadrangles:					
×	USDA N	Natural Resources Conservation Service Soil Survey: Hid	ialgo (County 1981			
M	National	wetlands inventory maps: Edcouch, TX	8-				
	State/Lo	cal wetland inventory maps:					
\boxtimes	FEMA/FIRM maps (Map Name & Date): FEMA, 1998						
	100-year	Floodplain Elevation is: (NGVD)					
×	Aerial Pl	hotographs (Name & Date): TNRIS, 1995					
	Other ph	otographs (Date):					
	Advanced Identification Wetland maps:						
	Site visit/determination conducted on:						
	Applicab	ple/supporting case law:					
	Other inf	formation (please specify):					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC **FILE NUMBER:** D-16702 (DS4/5)

(6) The presence of territorial seas.

FILE N	UMBER: D-16702 (DS4/5)				
Sta Cor Cer Ap Na	CT LOCATION INFORMATION: te: Texas unty: Cameron ter coordinates of site (latitude/longitude): 26-13-09/97-36-48.5 proximate size of area (parcel) reviewed, including uplands: 1 acres. me of nearest waterway: Arroyo Colorado me of watershed: Arroyo Colorado				
	DICTIONAL DETERMINATION mpleted: Desktop determination				
Jur	risdictional Determination (JD):				
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres.				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
BASIS (OF JURISDICTIONAL DETERMINATION:				
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":				
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":				
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in				
П	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.				
H	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, 				
******	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or				
	destruction of which could affect interstate commerce including any such waters (check all that apply):				
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.				
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.				
\boxtimes	(4) Impoundments of waters otherwise defined as waters of the US.				
×	(5) The presence of a tributary to a water identified in (1) – (4) above.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impounded tributary to the Arroyo Colorado.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-16702 (DS4/5) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects
fine shell or debris deposits (foresho the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Horizon Environmental Services **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated Feb 2005, prepared by (company): Horizon Environmental Services (concur with report for wetland DS4/5). This office does not concur with the delineation report, dated Feb 2005, prepared by (company): Horizon Environmental Services (do not concur w/report that wetlands DS1 & DS3 are jurisdictional). Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Hidalgo County, 1981 National wetlands inventory maps: Edcouch, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA, 1998 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS, 1995

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.